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TPP & TTIP: PARTNERS IN CRIME

Fighting the Corporate "Trade" Agenda in the
United States

By Mike Dolan

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Up against TPP and TTIP

With the rise of the so-called BRICS countries—Brazil, Russia, India, China, and South Africa—global capitalism has entered a new stage. For centuries Europe and the United States have dominated the world, but now the economic center of gravity may slowly be shifting from the West and the North to the East and the South. While it is too soon to say with any certainty what this means for global power relations, we are indeed witnessing a substantial change. In particular the economic rise of China, already leading the world in exports, is a harbinger of what is likely to come: the relative decline of the West and greater assertiveness from (some of) the BRICS and certain other countries in the global South.

The Western powers are not about to let such a tectonic shift in global power relations go unchallenged. They are trying to slow, if not stop, the trend in order to keep a firm grip on the world economy and protect their own interests. Most notably, Western (and in particular U.S.) policies toward China are dominated by a contemporary form of containment strategy.

In this context, the current negotiations around two large “trade agreements” have become a major instrument of the Western approach: along the Pacific Rim, the United States is negotiating a “Trans-Pacific Partnership” (TPP) with Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, and Vietnam. Across the Atlantic, the “Transatlantic Trade and Investment Partnership” (TTIP) between the U.S. and the European Union is taking shape.

To be sure, these proposals are a response to the failure to create a common market in the Americas and to advance further the economic agenda of the West via the World Trade Organization—failures that themselves resulted from the global power shifts that these agreements seek to halt. However—and this is key to understanding these proposals—they do not really focus on questions of trade; not even their proponents claim that they would have a significant impact on trade or boost economic growth. Rather, they are about preserving the West’s ability to set the standards for the world economy of the 21st century—designed to contain the rise of the BRICS, in particular China.

The United States Trade Representative is currently pushing hard for a quick passage of TPP and TTIP. And with the new, Republican-led Congress it seems feasible that the government will succeed in enlisting the support of a majority in both houses.

This outcome, however, is not set in stone, argues Mike Dolan, Vice-President of the Citizens’ Trade Campaign, a national coalition of environmental, labor, consumer, family farm, religious, and other civil society groups based in Washington, D.C. In this study, he takes stock of the resistance against both TPP and TTIP in the United States and outlines the strategy we need if we want to prevent the passage of “trade” agreements that threaten to kill jobs, undermine labor standards and environmental regulations, limit access to generic drugs, and even aim to exempt corporations from the judicial process. If we can stop “fast track” in Congress and create a debate about the details in the proposals, Dolan argues, neither TPP nor TTIP will pass. Let’s go for it!

*Stefanie Ehmsen and Albert Scharenberg
Co-Directors of New York Office, January 2015*

TPP and TTIP: Partners in Crime

Fighting the Corporate “Trade” Agenda in the United States

By Mike Dolan

The coalition members were shown into the district office conference room to wait for the congresswoman. There weren't enough chairs for the large group, so some of the younger activists stood against the wall. After a bit, the representative entered, accompanied by the district director.

“Gracious, such a large group! I see some familiar faces! Good morning everyone,” the long-time legislator exclaimed. “Introduce yourselves, please—let’s quickly go around the room, starting with you,” she continued, turning to the nun who was sitting closest to the door. All said their names and organizations—their schools or unions or congregations, human rights groups, consumer networks, national environmental organizations, local small businesses, and family farms.

“How wonderful to see you all! But did my scheduler make a mistake and double book me again?! What brings you all here together, such a large and diverse crowd of constituents?” “Congresswoman,” the local labor council political director explained with a grin, “we are all members of the Fair Trade Coalition. We’re here to talk about the TPP and the TTIP, and to ask you to oppose Fast Track!”

A most consequential debate about international commerce and democratic values is coming up in the United States Congress in 2015, in the narrow constitutional context of “Fast Track” trade promotion authority.

Under the U.S. Constitution, Congress has the authority to make trade policy. This authority

includes setting tariffs,¹ an uncomplicated and predictable revenue stream for most of U.S. history, when tariffs, not taxes, were the primary deposits into the U.S. Treasury. As tariffs were lowered pursuant to the neoliberal Washington Consensus, and trade deals became more complicated and included new regulatory chapters that benefitted business, the Office of the United States Trade Representative (created in 1962) and the free trade lobby needed to diminish the role of Congress.

Fast Track was first implemented in 1975. It is a codified parliamentary rule that governs how Congress ratifies trade treaties. Its so-called closed rule limits Congressional participation, as trade deals that have already been negotiated by the U.S. Trade Representative and signed by the president are then only presented to Congress for up-or-down votes, thus allowing very limited debate and no amendments. The Administration writes the implementing legislation, traditionally a congressional prerogative, which changes positive federal laws and regulations to comport with the terms of the agreement. Since its invention, Fast Track has been used 16 times to conclude trade deals,

¹ According to the Constitution of the United States, art. I, sec. 8, cl. 3, Congress has the power to regulate commerce with foreign nations; art. II, sec. 2, cl. 2 grants the power to enter into treaties to the President provided two-thirds of the Senate agrees. In order to avoid these constitutional provisions, NAFTA was negotiated as congressional-executive agreement rather than a treaty which was later found to be constitutional by an Alabama District Court in *U.S.A. Foundation v. United States*, 56 F.Supp.2d 1226 (N.D. Ala. 1999); and the United States Court of Appeals 11th Circuit dismissed the appeal as a nonjusticiable political question in *Made in the U.S.A Foundation vs. the United States*, 242 F.3d 1300 (11th Cir. 2001).

such as the North American Free Trade Agreement (NAFTA) and the U.S.-Korea Free Trade Agreement (KORUS).

The U.S. Trade Representative and the corporate free trade lobbyists like to call Fast Track “Trade Promotion Authority” (TPA) but, as long-time populist fair trade champion Jim Hightower explains, “you can put lipstick on a pig, but it’s still a pig.” President Obama does not currently have Fast Track. It is traditionally time-limited and the last residual implementing authority expired after KORUS was passed in 2011.²

According to the free traders in the Administration and in big business trade associations like the Chamber of Commerce, we need Fast Track to conclude negotiations, sign, and ratify the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP). Fast Track’s proponents are lobbying Congress with increasing urgency for Fast Track to close these secretive deals. However, there is a strong opposition against Fast Track and the trade agreements by a broad range of organizations and networks representing the pillars of civil society—labor, environment, consumers, faith-based groups, and family farmers.

These fair trade groups are represented by lobbyists like me on Capitol Hill and, much more

importantly, members and activists in every region and demographic of the United States, spanning a sometimes surprisingly wide ideological spectrum. They are joined by their opposition to the failed NAFTA policies and their demand for a replacement for the anachronistic Fast Track mechanism.

Due to the results of the 2014 midterm elections, there now is an even greater need for a concerted effort to thwart the free trade lobby and its pro-corporate policy agenda. With the Republicans in control of both chambers of Congress and pushing to finalize the negotiations, the fight against Fast Track, TTIP, and TTP has become an uphill battle. It remains to be seen if the whole of the fair trade movement is greater than the sum of its parts, and if these disparate activists have sufficient political momentum to prevent the trade agreements and change the debate once and for all.

The History of Free Trade Agreements

In the beginning were NAFTA and the WTO. They begat a brood of multilateral initiatives—the CBI, AGOA, MAI, FTAA, CAFTA, TPP, and TTIP, and a number of controversial bilateral deals, which are listed in graphic 1 (page 4).

The chart seems to indicate that the free traders have been winning; they passed ten out of a total of twelve trade deals. The two defeated deals, the FTAA and the MAI, didn’t materialize due in no small measure to civil society opposition. However, the chart is somewhat misleading as it does neither include the time we beat Fast Track in the 105th Congress (1997-98), when Bill Clinton was in his second term and the Republicans commanded the majority in both chambers of Congress, nor the Battle in Seattle (1999), when the WTO failed to launch a “millennial round” because the fair trade movement drew an historic line in the streets.

² The most recent trade promotion authority was granted in 2002 with the *Bipartisan Trade Promotion Authority Act of 2002* which allowed the President authority to enter into agreements before July 1, 2007. Three agreements (Colombia Free Trade Agreement, Panama and KORUS) were negotiated under the Trade Act of 2002 and signed by President George W. Bush, but were not submitted to Congress before the expiration date. Although Fast-Track authority expired for any new agreements, trade promotion authority remained in place for the outstanding agreements. See J.F. Hornbeck and William H. Cooper, “Trade Promotion Authority (TPA) and the Role of Congress in Trade Policy,” *Congressional Research Service*, (January 14, 2013), p. 7; Emily C. Barbour, “Trade Promotion Authority and the U.S.-South Korea Free Trade Agreement,” *Congressional Research Service*, (March 2, 2011), p. 1, 6-9; “To implement the United States-Korea Trade Agreement: Roll Vote No. 783,” *Congressional Record* (October 12, 2011), p. D1082.

Trade Deal	Vote in House (Year)	Year in effect or defeated
North American Free Trade Agreement (NAFTA)	234-200 (1993)	1994
World Trade Organization (WTO)	288-146 (1994)	1995
Multilateral Agreement on Investment (MAI)	N/A	1998
Caribbean Basin Initiative (CBI)	309-110 (2000)	2000
African Growth and Opportunity Act (AGOA)	234-163 (1999)	2000
Permanent Normal Trade Relations with China (PNTR)	237-197 (2000)	2000
U.S.-Jordan FTA	Voice Vote (2001)	2001
Free Trade Area of the Americas (FTAA)	N/A	2004
U.S.-Singapore FTA	272-155 (2003)	2004
U.S.-Australia FTA	314-109 (2004)	2005
Central America Free Trade Agreement (CAFTA)	217-215 (2005)	2007
U.S.-Panama Trade Promotion Agreement	300-129 (2011)	2011
U.S.-Colombia FTA	262-167 (2011)	2012
U.S.-Korea FTA (KORUS)	278-151 (2011)	2012

Graphic 1: Multilateral and Bilateral Trade Agreements

These two victories for the anti-globalization groups have more significance than all the quick and dirty bilateral deals together. If we ignore the less controversial free trade agreements with Jordan, Singapore, Panama, and Australia and take into account beating Fast Track and the WTO during the last of the Clinton years, then the fair traders have fared better. A better-weighted summary of U.S. trade policy debates and controversies suggests that we can win the big battles. As in military conflicts, such as the American Civil War, one party may win more engagements, including many early skirmishes, but still lose the war.

It is important to understand the TPP and TTIP in the context of the waning relevance of WTO negotiations. The prestige and legitimacy of the WTO began to decline in 1999 with the spectacularly failed launch of the “millennial round” in

Seattle. In November 2001, after a year of recovery in Geneva, the WTO embarked to Doha in Qatar—a place of little protest—to try again.

Ten years and multiple formal negotiations later, all momentum in the Doha development round had evaporated, though the talks dragged on and the U.S. trade triage negotiating teams tried in vain to resuscitate them. Today, the WTO is becoming less relevant to global rule-making: Although the Geneva secretariat still fulfills administrative functions and on-going implementation, the WTO’s once-vaunted judicial role is diminished in competition with the popularity of Investor State Dispute Settlement (ISDS), the preferred arbitration venue of investors who can lawyer-up and sue governments for lost profits under bilateral investment treaties, and all the trade deals in the NAFTA tradition.

The WTO's decline has been very frustrating for Big Business and its client politicians and trade bureaucrats. The TPP and the TTIP are expressions of those frustrations. Free traders sought alternatives to the unwieldy WTO process and the moribund Doha round, and conceived new multilateral and regional preferential trade pacts.

Throughout the TTIP and TPP talks, China has been the elephant in the room, a looming commercial and geo-political presence, because, first, China's diplomatic goals arguably conflict with U.S. ambitions around the Pacific Rim. Second, China is promoting a different trade model for the region—a "Regional Comprehensive Economic Partnership" (RCEP) that involves most ASEAN member nations but not the U.S. As many observers have concluded, the competition between China and the U.S. might become decisive for the development of the regional economic architecture.

China is one of the BRICS states (Brazil, Russia, India, China, and South Africa), the five largest developing economies. As the power of the BRICS grows, there is greater urgency for the U.S. and EU corporate and investment elites to lock in preferential rules and the neo-liberal, deregulatory schemes that their international business plans require.

The NAFTA debate was the wellspring of the American anti-corporate globalization move-

ment, as we know it today. The national fight against NAFTA in 1992-93 forged and galvanized the fair trade movement at the grassroots level. From the perspective of organizing, the care and feeding of the American anti-globalization movement has been a coalitional undertaking for 22 years.

The goal of this report is to survey the landscape of that movement, the features of the several constituencies that comprise the coalition: labor, environmental, consumer, farmer, rancher, faith-based, small-business, populist. We will review the organizations and networks, their rhetorical contributions and grassroots mobilizations, which oppose the TPP and the TTIP.

In the U.S. today, the TPP is much better known and more controversial than the TTIP, because the talks are much farther along. The TPP is also more controversial because it is a docking agreement. Any countries that want to get into a free trade deal with the U.S. could join the TPP and would have to play by the rules set forth in its secret and ambitious 29 chapters. Already, several governments have expressed interest in joining the TPP, sight unseen.

Between the TPP and the TTIP, this may be the last time that we will be having a national conversation about corporate globalization. It may be our last chance to fix the trade policy paradigm, to get it right.

Free Traders

Any analysis of the actors—as well as of power relations—in the field of trade needs to start with the big corporations. So we are first turning to the U.S. Business Coalition for TPP, which is "a broad-based and cross-sectoral group of U.S. companies and associations represent-

ing the principal sectors of the U.S. economy, including agriculture, manufacturing, merchandising, processing, publishing, retailing and services."³ Its Emergency Committee for

3 www.tppcoalition.org.

American Trade (ECAT) is headquartered in downtown D.C. Someone there should be able to explain what, exactly, is the “emergency” in American trade.

Nearby, the U.S. Chamber of Commerce houses the parallel Business Coalition for Transatlantic Trade,⁴ which is “co-chaired by major companies with significant equities in the transatlantic economy as well as many of the major multi-sectoral industry organizations. The coalition has several issue-specific working groups as well as a broad-based general membership.”

The pro-TPP front group lists 74 corporations and 73 trade associations on its website; the pro-TTIP coalition leadership consists of eight associations and thirteen corporations, all of which, except the Ford Motor Company, are also in the pro-TPP corporate booster network. Most of the corporations have extensive foreign ownership and subsidiaries, and some of the trade associations have foreign corporations among their members such as Fonterra, the monopolistic New Zealand dairy cooperative that has a vested interest in market access outcomes in the TPP.

Besides ECAT and the Chamber, which created the pro-TPP and TTIP coalitions respectively, there are three other big free trade nodes in D.C. The first is the National Association of Manufacturers (NAM), the “powerful voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy”⁵ that includes a senior Toyota executive on its Board of Directors. NAM supports Fast Track and has developed some basic free trade campaign materials.

While the manufacturers have NAM, the service sector has the Coalition of Service Indus-

tries (CSI), whose website is praising the TPP, TTIP and the Trade in Services Agreement. CSI has 35 member corporations from Aflac and AIG, the multinational insurance conglomerate that was bailed out by U.S. taxpayers, to Walt Disney and White & Case, the law firm whose profits come from litigating cases under the investment chapters from previous commercial agreements like NAFTA and CAFTA.

Finally, the venerable Business Roundtable, which lobbied heavily for NAFTA and against strong side agreements on labor and the environment, is still fighting for free trade deals for its members and, in collaboration with ECAT, the Chamber, NAM and CSI, created and hosts the institutionally incestuous and redundant Trade Benefits America coalition.

To summarize the structure of the free trade front: Fortune 500 corporations join trade associations—manufacturing, agribusiness, service sector, and so on—and then they and their associations join larger corporate coalitions like the Chamber of Commerce and the Business Roundtable which, in turn, create front groups that focus on trade policy and advocate for particular expansions of the NAFTA model and Fast Track.

Whether looking west at the Pacific Rim or east “across the pond” for euro-exports and investments, the major multinational corporations have dutifully signed on and paid in to these extravagantly resourced corporate front groups that can afford the very best in website spin, AstroTurf campaigns and K Street lobbyists to promote the TPP and TTIP.

This apparatus is supported by academics who subscribe to the quaint if detached orthodoxy of “comparative advantage” and think tanks like the Heritage Foundation and the American Enterprise and Peterson Institutes. Their argument goes like this: economic globalization is inevitable and good for everybody if it is regu-

⁴ www.transatlantictrade.org.

⁵ www.nam.org.

lated by an international rules-based system; in order to grow their economies and create jobs, the governments of the world should agree to eliminate tariffs and non-tariff barriers across the board; multinational investors must be able to rely on an international rulebook and private tribunals to protect their profits from capricious government regulation; the global economy will function better if consumer and environmental

standards are harmonized downwards; the legislative branch should delegate its constitutional trade policy-making power to the executive so other countries will negotiate in good faith and confidence that trade deals won't be amended by Congress; and finally, to paraphrase Clausewitz, free trade is geo-politics by other means, and the U.S. needs the TPP to contain China and the TTIP to marginalize Russia.

The Fair Trade Movement

The U.S. fair trade movement, meanwhile, refuses to subordinate its values—the legitimate expectations of working families, the imperatives of sustainability in a warming world, the right of all people to potable water and public services, the bedrock demands for democracy and human rights—to the short-term, bottom-line objectives of the international investment elites. The NAFTA and WTO and their progeny have cost the U.S. millions of jobs lost through outsourcing and cheap imports, and it is the definition of insanity to continue the same trade model and expect different outcomes. The new crop of trade talks, these alleged high-end, 21st century agreements, are so big and complex, and intrude on so much of the substantive jurisdiction of law-makers and regulators, that the old-fashioned Fast Track is a completely inappropriate delegation—an abdication even—of Congressional Authority.

There are two main lines of opposition to the TPP and TTIP that cut across constituencies, which are shared by nearly all the critics of globalization. The first relates to the process of the trade negotiations—in particular, its secrecy—and the other is a singular substantive objection, a populist rejection of Investor-State Dispute Settlement (ISDS), the so-called corporate courts, whereby foreign investors sue gov-

ernments that have been a feature of U.S. free trade agreements since NAFTA's Chapter XI.⁶

The opposition to the secrecy that has surrounded the TPP and TTIP talks spans the political spectrum and includes virtually every group that has an interest in U.S. trade policy reform, starting with Congress itself, which has called for greater transparency from both sides of the partisan aisle. The biggest coalitional sign-on letters demand transparency and the release of the texts. Particular issues and conflicting or complementary agendas notwithstanding, we all want seats closer to the table.

ISDS is the other issue that garners the most cross-sectoral signatures on letters to Congress, to U.S. Trade Representative Michael Froman, and to his boss, Barack Obama. When the international sign-on letter to U.S. Trade Representative Froman and EU Commissioner De Gucht issued last December (opposing ISDS in TTIP), 43 U.S. organizations joined—far fewer than the European signatory groups,

⁶ For further background information, see: John Hilary, "The Transatlantic Trade and Investment Partnership (TTIP): A charter for deregulation, an attack on jobs, an end to democracy", Rosa Luxemburg Stiftung, Brussels Office, www.rosalux-europa.info.

but at least cutting across all the main fair trade constituencies. ISDS is becoming better understood throughout civil society, where it is widely perceived as a relic and a racket: a relic of NAFTA, proven ineffective at resolving commercial disputes in favor of community interests or democratic values; and a racket, a revolving door of corporate trade litigators and bureaucrats, posing as judges in lucrative treaty-shopping schemes, prosecuting the claims of investors against elected federal and sub-federal authorities.

The primary outfit that organizes the sign-on letters and the protests, the glue that holds the U.S. fair trade movement together, is the Citizens Trade Campaign (CTC). This coalition brings together a broad range of groups representing unions, farmers, environmental and faith-based activists that all advocate for economic justice and human rights in international trade.⁷

The CTC is the big umbrella that covers and works with all the progressive constituencies and, politically, the anti-free trade base of the Democratic Party. Its best feature is its durable field operation. For more than twenty years, the CTC has supported state fair trade coalitions, designing and implementing grassroots tactics to influence policy-makers and opinion-leaders in targeted congressional districts and media markets. When Bill Clinton and the free trade lobby tried to pass a fast-track bill to expand NAFTA through the hemisphere with the FTAA, it was the CTC affiliates that corralled Congress to vote No; when the WTO announced it was coming to Seattle in 1999, it was the Washington Fair Trade Coalition that organized the famous fair trade welcome; and when the TPP negotiators convened two years ago in Dallas for their 12th round of talks, the Texas Fair Trade Campaign was there to meet them with creative demonstrations and good

press.⁸ Today, thanks to the CTC, the U.S. anti-globalization movement is becoming educated and activated against a bad TTIP.






In this regard, the CTC functions much like the growing anti-TTIP movement in the capitals and countryside of Europe, and to some extent already the Seattle-to-Brussels Network is serving the same coordination and resource role for the EU nations where opposition is organized. The organizing challenge is to engage as many stakeholder networks as possible and to bring them together—in meetings or conference calls or, increasingly, on list-serves and social media—to develop a shared strategy and work together. When labor unions and environmental activists come together locally, for example, to lobby a member of Congress or enlighten the editorial board of the morning newspaper, the larger anti-corporate globalization movement is seen in microcosm, doing what popular movements are intended to do—namely, speak truth to power and establish the conditions for dramatic social change.

There are some big fair trade organizations that are not formally part of the CTC—the AFL-CIO and MoveOn, for example—and many small groups around the country that have nonetheless joined its several state affiliates, its actions and coalitional manifestos. The recent letter to the Chair of the Senate Finance Committee—demanding a progressive alternative to the old Fast Track version of trade promotion authority—is an excellent example of the CTC at work. Nearly 600 different groups signed on, from the Alliance for Democracy, on behalf of its dozen regional chapters, to the Maine Chapter of the Women's International League for Peace and Freedom (WILPF, founded in 1915) and the Young Active Labor Leaders of the Texas AFL-CIO.⁹

⁷ Disclaimer: The author was the CTC Field Director from 1995 to 2003.

⁸ United States Trade Representative, Trans-Pacific Partnership Talks Advance in Texas, www.ustr.gov, 2012.

⁹ See letter to Senator Wyden, September 10, 2014,

 Workers	 Social Justice Advocates	 Family Farmers and Ranchers	 Environmentalists	 Consumers
American Federation of Teachers	Americans for Democratic Action	Institute for Agriculture and Trade Policy	Friends of the Earth U.S.	Public Citizen Global Trade Watch
Communications Workers of America	<i>TransAfrica Forum</i>	National Family Farm Coalition	Sierra Club	
International Association of Machinists and Aerospace Workers	United Methodist Church, General Board of Church and Society	National Farmers Union		
International Brotherhood of Boilermakers	United Students Against Sweatshops			
International Brotherhood of Electrical Workers	<i>Witness for Peace</i>			
International Brotherhood of Teamsters				
International Union of Bricklayers and Allied Craftworkers				
International Union of Painters and Allied Trades				
UNITE HERE				
United Brotherhood of Carpenters				
United Mineworkers of America				
United Steelworkers				

Graphic 2: Leading U.S. groups against TTIP and TPP

There are almost too many to count, so many threads in the fair trade fabric. In our nation's capital, the movement is supported by a progressive intelligentsia. The great and good grassroots depend on the policy analysts of the labor movement, think-tanks like Economic Policy Institute, Center for Economic and Policy Research and the Harrison Institute, activist resources like Institute for Policy Studies and Public Citizen, and allies like the Blue-Green Alliance and the Alliance for American Manufacturing.

Environmentalists

On September 21, 2014, on the occasion of the UN Climate Summit, approximately 400,000 people marched through New York City to de-

mand global action on climate change. Among the throng was Ilana Solomon, the director of Sierra Club's Responsible Trade Program, who wrote an essay titled "Why the Climate Movement Cannot Ignore Trade," which was promptly picked up by *The Huffington Post*.¹⁰ Around the same time, Naomi Klein published her book *This Changes Everything: Capitalism vs. The Climate*.¹¹ She points out that the climate crisis is an opportunity to win progressive political changes such as stopping detrimental trade deals. Both authors argue that winning the trade debate and defeating Fast Track, TPP, and TTIP, is a crucial step towards saving the planet.

The concerns of the environmental movement comprise the most salient critique of the ongoing trade talks. More than any other set of issues, the threats posed by corporate globalization to the health of the whole planet (not just the countries at the table) are the most urgent and intractable. That's why they are treated first here, among the many objections to the TPP and TTIP from a wide range of constituencies, because they are the most important.

The Sierra Club, a CTC affiliate, is both the largest American environmental organization and the most prominent opponent of NAFTA

www.sierraclub.org.

¹⁰ Ilana Solomon, "Why the Climate Movement Cannot Ignore Trade," *Huffington Post*, September 24, 2014.

¹¹ Naomi Klein, *This Changes Everything: Capitalism vs. The Climate*, New York: Simon & Schuster, 2014.

expansion. Ilana Solomon and Sierra Club's Responsible Trade Program, of which she is the director, enjoy the support of Club membership and leadership—especially current President Michael Brune, a longtime critic of corporate globalization from his days with Rainforest Action Network. A close second, with as sharp a critique but fewer members, is the U.S. office of Friends of the Earth International, a co-founder and the original home office of the CTC. Those two organizations and 34 other environmental groups sent U.S. Trade Representative Michael Froman a letter last summer demanding that the U.S. negotiators oppose automatic export licenses for oil and gas in TTIP and drew a line in the oil sands. The international environmental movement wants governments to be able to set the terms of energy policy in democratic and transparent settings; and the U.S. groups are now mobilized toward that goal in the TTIP, from the national to the local, including the Athens County Fracking Action Network and the Western Organization of Resource Councils.

From the perspective of climate change, whereby free trade is driving us towards “planetary tipping points,” the request that the TTIP not limit the authority of governments to set the terms of energy policy and not lock in increased fossil fuel exports seems pretty reasonable. For that matter, actual tariffs on imports from countries (i.e., border carbon adjustments) that haven't reduced their carbon emissions should be explicitly permitted in truly 21st century trade agreements, WTO rules to the contrary notwithstanding.

The evolving and increasingly militant struggle by the American environment movement against unsustainable corporate globalization and bad trade deals began ignominiously with the capitulation of seven mainstream groups to Bill Clinton's suasion and side agreements to the NAFTA, over twenty years ago. They were: World Wildlife Fund, National Wildlife Federa-

tion, Natural Resources Defense Council, Defenders of Wildlife, Environmental Defense Fund, Conservation International, and Audubon Society.

Since then, as the externalized environmental costs of unfettered trade and investment have increased, and now that climate change changes everything, the D.C. based environmental groups are increasingly skeptical about NAFTA expansion.

For example, the environmentalists have called for TPP and TTIP deals to explicitly incorporate the obligations of several important Multilateral Environmental Agreements, obligations that will be enforced by the same sanctions that protect commercial interests:

1. Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (1972)
2. Inter-American Tropical Tuna Convention (IATTC, 1949)
3. Ramsar Convention on Wetlands (1971)
4. Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR, 1982)
5. International Whaling Commission (IWC, 1946)
6. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, 1973)
7. The Montreal Protocol on Substances that Deplete the Ozone Layer (1989)

The principle that Multilateral Environmental Agreements trump trade pacts is but one of multiple points in the latest letter regarding the TPP, from 13 big green groups, led by the Club and including a couple of the NAFTA seven—NRDC and WWF. Among the points are the following:

- ⇒ The entire TPP environment chapter must be fully enforceable and subject to the same

- state-to-state dispute settlement mechanism as available to commercial chapters;
- ⇒ The TPP environment chapter must obligate countries to uphold and strengthen their domestic environmental laws; to not waive or otherwise derogate from, or offer to waive or otherwise derogate from, environmental laws; and to implement and enforce commitments made under multilateral environmental agreements;
 - ⇒ The TPP must include prohibitions on the trade, trans-shipment or sale of products taken or traded in violation of national laws or applicable foreign laws that protect wildlife, and must also include the implementation and enforcement of all aspects of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and its associated Resolutions and Decisions
 - ⇒ The TPP must include meaningful and binding disciplines to prohibit fisheries subsidies that contribute to overcapacity and overfishing.

A growing network of environmental organizations, some young and radical, some old and mainstream, are working together (and with their allies in Europe) to establish once and for all the subordination of corporate bottom-lines to fundamental ecological values, environmental treaties, and the imperatives of sustainability.

Though clearly the highest priority, the climate is not the only concern of the green groups in these trade negotiations. Twenty-four of them have also pushed the administration to eliminate fishery subsidies that incentivize overfishing, to demand bans on trade in illegally harvested fish, wildlife and timber, and to require that our trading partners improve and enforce their environmental laws. On the issue of animal welfare under these proposed agreements, the organization Global Justice for Animals and the Environment (a project

of the Wetlands Activism Collective) wants to stop the National Pork Producers Council from using the TTIP to attack animal welfare standards.

Finally, as forcefully as any constituency, the environmental community has proclaimed its strong opposition to ISDS. The December 2013 international civil society sign-on letter that demanded that ISDS be taken off the TTIP table attracted numerous small and medium size environmental networks, including Earthjustice, the Pesticide Action Network, Oil Change International and Women's Voices for the Earth, as well as the big mainstream groups like NRDC, WWF and the powerful Sierra Club.¹² The environmentalists still have some networking to do to educate mainstream organizations about the TPP and TTIP, but the green and fair trade chorus is getting louder.

Consumers

More and more of the goods and services we consume are becoming regulated or deregulated under comprehensive multilateral trade deals, and this trend is part and parcel of a corporate strategy to circumvent domestic and democratic regulatory authorities by including wish-lists of "behind the border" rules that will harmonize consumer protections to their lowest common international denominators. Food and water, health care and medicines, data and privacy—all are areas in which consumer interests are increasingly subordinated to the commercial convenience of multinational corporations. Predictably, this trend has engendered strong opposition from a wide range of organizations and networks, many of them new to the issue of globalization and the debate over trade policy reform.

¹² See Letter from 200 groups to U.S. Trade Representative Michael Froman and Commissioner Karen de Gucht, December 16, 2013, <http://vault.sierraclub.org/trade/downloads/TTIP-Investment-Letter.pdf>.

For example, the Coalition for Sensible Safeguards (CSS) is a new anti-TTIP collaboration of consumer and good government groups that has “come together to help the public understand that a sound system of regulatory safeguards is entirely compatible with economic prosperity—indeed, essential to it.”¹³ Co-chaired by the Center for Effective Government and Public Citizen, CSS includes a few fair trade stalwarts—notably, the AFL-CIO and EPI—but also the estimable Union of Concerned Scientists and Demos, the progressive public policy group, making its first foray into globalization.

These consumer groups and their ad-hoc coalitions take the long view too—they don’t focus on specific regulatory issues to the exclusion of synoptic critiques. As Food and Water Watch (FWW) explains, the TPP and TTIP

*would lead to increased gas exports and imported foods, while weakening our nation’s domestic laws and increasing the financialization of nature [...]. [They are] power grabs by corporations and their financiers. They would challenge laws that protect the environment, rein in corporate interests, protect food safety, promote renewable energy, and curb risky practices such as fracking.*¹⁴

Notice that this critique expands beyond a narrow watch of food and water issues to include more fundamental concerns about the environment, corporate rule and democracy. FWW is an example of the smarter sort of group that engages the trade policy debate across a broader range of issues. Moreover, it focuses its arguments to opinion leaders and policy-makers in ways and frames that are designed to have strategic effect on the larger policy conversation, as in their new report on the TPP, “Fast Track to a Gusher of Imported Fish.”¹⁵ After describing the “imported catfish

catastrophe” and “surging shrimp imports”, this clever report concludes:

The impact on food safety and on independent fishing and fish farm businesses is just one ugly chapter in a book of free trade horrors. But under Fast Track, Congress can only vote trade deals like the TPP up or down.

As in Europe, concerns about the wholesomeness of foods that are derived from genetically-modified organisms are a prominent aspect of the growing critique of the TTIP. In September 2014, over 70 food and farm groups wrote a key letter to the U.S. Trade Representative raising “deep concerns about proposals for the [TTIP] that would threaten efforts to label food containing genetically-modified organisms.” It voices the signees concerns that the free trade agreement would limit governments’ ability to regulate product labeling, provide consumer information, and prevent health risks posed by the terms of the TTIP.¹⁶

What is equally notable about this recent broadside against the TTIP, including warnings about its chapter on so called “technical barriers to trade” (TBT), is the startling breadth of groups that signed on to “commit to fighting any trade pact that threatens labeling for genetically-modified organisms.” In addition to “usual suspects” among the main environmental, faith-based, and family farm networks are a number of new groups, organizations that weren’t around during the NAFTA fight and haven’t been active on trade until now—from the AllergyKids Foundation and the Alliance for Natural Health U.S.A to the Council for Responsible Genetics, Food Democracy Now and Moms Across America.

Another field of consumer concern with the TPP and TTIP notable for the “new blood” that those negotiations have engendered in oppo-

13 Coalition for Sensible Safeguards “Trans-Atlantic Free Trade Agreement (TAFTA),” www.sensiblesafeguards.org.

14 Food and Water Watch “TPP and TTIP,” www.foodandwaterwatch.org.

15 Food and Water Watch, “Trans-Pacific Partnership: Fast Track to a Gusher of Imported Fish,” www.foodandwaterwatch.org.

16 70 Consumer Farm and Food Groups and Businesses to U.S. Trade Representative Michael Froman, Washington, D.C., September 30, 2014.

sition to them is health care policy, especially in the area of affordable medicines. For example, in April of 2014, several groups that don't ordinarily weigh in on trade policy reform—the main Medicare and senior citizen advocacy groups, including the powerful AARP, Inc. (formerly the American Association of Retired Persons)—wrote a letter to the U.S. Trade Representative about the TPP and its “pharmaceuticals annex [which] puts too much emphasis on drug industry priorities, and does not give equal weight to consumer priorities such as prescription drug affordability, safety, efficacy, and cost-effectiveness.”

Access to life-saving generic medicines is one of the biggest issues in the TPP and trade reform generally, here in the U.S. and especially in countries where public health strategies are frustrated by the high prices of needed drugs. As the American Medical Students Association (AMSA) explains in its analysis of the leaked text of the TPP's intellectual property provisions, “it is clear that the United States is pushing [...] enhanced patent protections and data exclusivity favoring brand-name pharmaceutical companies.” AMSA also worries about the TPP limiting other government initiatives and admirable goals “such as becoming smoke-free or curbing alcohol abuse.” So does the Campaign for Tobacco Free Kids, which wants tobacco off the table in all trade deals. According to its 2012 letter, joined by the preeminent American heart and lung associations and the American Cancer Network, it will oppose any TPP that does not protect governments' tobacco control measures across the board.

Similarly, Breast Cancer Action asked the rhetorical question, “Why does a women's health group [...] care about an international trade deal?” and, in January 2014, denounced the TPP on three scores—toxic chemicals, fracking, and access to medicines. Its website reminds us that, adding “insult to injury, the details of the TPP are currently being negotiated

behind closed doors with no meaningful way [for] the public to provide feedback or voice concern!”¹⁷

Another area of consumer concern is the threat to privacy and the protection of digital rights posed by the TPP and TTIP. Very topical in the post-Snowden era—especially in light of the NSA's surveillance on behalf of the U.S. Trade Representative during early conversations among our EU allies—these issues dominated the controversy around another trade deal, the plurilateral Anti-Counterfeiting Trade Agreement (ACTA).

The privacy advocates who lobbied against ACTA are mobilized to oppose any TTIP that includes the weak data protections and overly harsh copyright infringement enforcement. But while ACTA was unpopular and failed in 2012, data and privacy advocates worry that ISDS provisions in the TTIP will allow “the worst ideas of ACTA, but without needing to specify them.”¹⁸ This is possible because states may be sued by corporations that feel lenient penalties for unauthorized file sharing resulted in lost profits or, out of fear that they may be sued, governments may choose to preemptively pass legislation that diminishes consumer data rights.¹⁹ The digital rights advocates agree that ISDS is detrimental to innovation and digital freedoms. These groups oppose setting long copyright terms, criminalizing small scale copyright infringement, and forcing internet service providers to police users.

The Electronic Frontier Foundation (EFF) is leading the charge against invasions of privacy, overly harsh copyright infringement litigation and the stifling of online innovation. Naturally, EFF opposes the secrecy of the negotia-

17 Annie Sartor, “What is this ‘TPP’ I Keep Hearing About?,” *Breast Cancer Action*, January 31, 2014.

18 Glyn Moody. “TTIP Update II,” *computerworlduk.com*, 14 August 2013.

19 Ibid.

tions and intellectual property chapter.²⁰ The proposed chapters of TTIP and TPP have the ability to stifle innovation online by compelling internet service providers to spy on users and block access to certain websites, deny access to the internet to users accused of copyright infringement, and disclose identities of customers.²¹ EFF is clear that “limitations on liability for internet intermediaries [are] necessary both for promoting innovation and investment in internet technology, and for protection of citizen’s fundamental rights, including the right to private life and freedom of expression.”²²

Another group opposed to the TPP and TTIP on data and privacy concerns is Public Knowledge. The intellectual property, services, and e-commerce chapters of the TPP are particularly concerning for this organization as they could have a negative impact on information flow, ISP liability, internet freedoms and human rights online.²³ Public Knowledge also adds that if copyright measures must be included in the TTIP, then Congress should maintain the authority to change U.S. copyright law.²⁴

Knowledge Ecology International (KEI), a social justice advocacy group, calls the secrecy of the negotiations “Orwellian.”²⁵ The primary concern of this organization, however, is that consumers will be harmed by the inclusion of a provision in the agreement that allows suggested retail prices to be considered when de-

termining damages for patent, copyright, and intellectual property infringements.²⁶

Trans Atlantic Consumer Dialogue (TACD) is a conglomeration of U.S. and EU consumer groups that will likely oppose the TTIP, due in part to the leaked provisions within it that will weaken consumer data protections. TACD has created a list of nine recommendations to the EU and U.S. pertaining to data rights that include:

*protect consumers’ rights to send and receive content, use services and run applications without discrimination; press the U.S. to pass the Consumer Privacy Bill of Rights; agree on common data privacy standards outside of TTIP negotiations; and ensure that companies cannot evade privacy laws by moving personal data to servers located in another jurisdiction.*²⁷

TACD is strongly opposed to discussing data flows within the TTIP negotiations. Discussions affecting consumer privacy rights should be addressed through democratic processes rather than in secret discussions where representatives of the public are not permitted.

Much of what we’ve seen of the secret deals came over the transom from WikiLeaks, whose Editor-in-Chief, Julian Assange, reminds us “If instituted, the TPP’s IP regime would trample over individual rights and free expression, as well as ride roughshod over the intellectual and creative commons.”²⁸

Family Farmers and Ranchers

For the purposes of this report, we may ignore the trade associations that represent the corporate commodity producers and food pro-

20 Maira Sutton, “Transatlantic civil society declaration: leave copyright and patent provisions out of TAFTA,” Electronic Frontier Foundation, www.eff.org, March 2013.

21 Carolina Rossini and Maira Sutton, “The Impact of Trade Agreements on Innovation, Freedom of Expression and Privacy: Internet Service Provider’s Safe Harbors and Liability,” www.eff.org, November 2012.

22 Ibid., 7.

23 Rashni Randgnath, *Request for Comments Concerning the Proposed Transatlantic Trade and Investment Partnership Agreement*, Washington, DC: Public Knowledge, 2013, 5.

24 Public Knowledge, “The Transatlantic Trade and Investment Partnership (TTIP),” www.publicknowledge.org.

25 Claire Cassidy, “KEI Notes & Comments at TTIP Seventh Round of Negotiations at Stakeholder Event,” *Knowledge Ecology International*, October 2014.

26 Ibid.

27 Trans Atlantic Consumer Dialogue, “Resolution on Data Flows in the TransAtlantic Trade and Investment Partnership,” www.tacd.org, October 2013, 2.

28 Eric Bradner, “WikiLeaks Exposes IP Chapter of Pacific Rim Deal,” *Politico*, November 1, 2013.

cessors, even though they are a big part of the trade debate right now. The pork lobby, the dairy advocates, the beef apologists, the rice and grain mouthpieces—theirs is not a critique of the free trade model that would include, for example, the legitimate expectations of family farmers in the global economy or any solidarity with the workers in the fields and plants. On the contrary, all things being equal, the leadership of those industry associations would like to see the TPP and TTIP come to fruition, even if the deals are not ideal, so long as the consumer markets of the other countries—eleven TPP and 28 European—get opened up to our exports by knocking down their consumer protection regulations. They are free traders, representing agribusiness on the fat-cat Business Coalition for the TPP, and accordingly pro-Fast Track.

To understand the antipathy that rural American communities hold for the NAFTA/WTO model, and to appreciate their mobilization against the current crop of trade talks, we can focus on three great farmer groups, all charter members of the CTC: the National Farmers Union (NFU), founded 1902, representing farmers and ranchers in all states; the National Family Farm Coalition (NFFC), founded 1986, and its 24 constituent grassroots groups in 32 states; and the Institute for Agricultural and Trade Policy (IATP), the preeminent progressive think-tank at the intersection of globalization and farming. All three maintain strong international ties with similar networks among our trading partners and throughout the developing world; and all three maintain a presence on Capitol Hill and grassroots pressure in the field. But what they share most is a deep and detailed critique of corporate globalization and its effects on family farmers, rural communities, consumer safety, food price stability, bio-diversity, ecology, and life itself. For example, at their 112th Convention (March 8-11, 2014, Santa Fe, NM) Farmers Union delegates wrote up their very thorough policy, includ-

ing (at Article III) a summary of “International Trade, Cooperation and the Family Farm” that includes 22 “goals, objectives and provisions in U.S. trade policy” plus ten specific negotiating objectives, including,

*We oppose fast-track negotiating authority for the president. We oppose the fast-track system of ratification of trade agreements in which the entire trade package must be approved without amendment or rejected in total by Congress within a 60-day limit. Because agriculture is only one area considered in the trade agreement negotiation, fast-track could easily sweep agricultural concerns aside.*²⁹

The NFU is a model for the fair trade movement more broadly, not only for its thoughtful critique of Fast Track, but also for its democratic heritage and grassroots structure in which policy positions are initiated locally. Similarly, the NFFC is committed to a “farmer-based strategy against the expansion of NAFTA through the Trans-Pacific Partnership (TPP).”

A number of other grassroots agricultural networks dot the Fair Trade landscape. Just two examples, groups with memorable acronyms, are the Women Involved in Farm Economics (WIFE), which has promoted sustainable profitability in agriculture for 38 years, and the Ranchers-Cattlemen Action Legal Fund (R-CALF), which is dedicated to ensuring the continued profitability and viability of the U.S. cattle industry. These and myriad other rural organizations are working to protect American livestock and agriculture from bad trade agreements.

Workers

As this report goes to print, the Washington D.C. metro stop that serves the House of Representatives, Capitol South, is newly festooned

²⁹ National Farmers Union, Policy of the National Farmers Union (Santa Fe, 2014), 45.

Union	LAC Member/Liaison	Members
SEIU	Mary Kay Henry	2,000,000
AFT*	Randi Weingarten	1,600,000
IBT*	James P. Hoffa	1,400,000
UFCW	Joseph T. Hansen	1,300,000
USW*	Leo Gerard	1,200,000
IBEW*	Ed Hill	750,000
IAM*	Thomas Buffenbarger	700,000
AFA-CWA*	t/b/d	700,000
UAW	Dennis Williams	390,000
IUE	Jim Clark	150,000
AFM	Raymond Hair	90,000
IFPTE	Gregory Junemann	80,000
ALPA	Lee Moak	51,000
UMWA*	Cecil E. Roberts, Jr.	35,000
UFW	Arturo Rodriguez	10,278

* CTC Member

Graphic 3: Members of the Labor Advisory Committee (LAC)

with big ads against Fast Track, paid for by the AFL-CIO and several of its affiliate unions, including the Auto Workers, Machinists, Steelworkers, Communication Workers, and AFSCME.³⁰ These ads will remind Congress of the lost jobs and declining wages and benefits that American workers have suffered under free trade and economic globalization. It further reminds the policy-makers and their staffs that the labor movement is the loudest progressive voice for fair trade.

It is safe to say that there would not be a durable fair trade movement in North America without organized labor. Our international unions, in and outside the AFL-CIO, are both the principal funders for the anti-corporate coalitions as well as the main source of bodies—leaders and activists—for anti-free trade rallies, protests, and grassroots lobbying in the states and congressional districts. In addition, through our support for economists and think tanks that challenge the free trade orthodoxy, the unions are the source for much of the analysis and critique of NAFTA, its progeny, and

their actual real life effects on working families and the U.S. economy.

The International Brotherhood of Teamsters (IBT) is the preeminent American union in the global fair trade movement. A charter member of the CTC—paying annual dues since the NAFTA fight over twenty years ago—the Teamsters have devoted more resources (staff, cash, and political power) than any other single international union. At the top, General President James Hoffa was appointed to two trade advisory committees by President Obama—the Advisory Committee on Trade Policy and Negotiations (ACTPN) and, along with several other union presidents, the Labor Advisory Committee for Trade Negotiations and Trade Policy (LAC, see Graphic 3).

Much of the Teamsters original opposition to the NAFTA was animated by a provision under its Annex A that would have opened the U.S.-Mexico border to long-haul trucking and allowed often unsafe and polluting Mexican-domiciled trucks full access to the entire American interstate highway system. Obviously, that controversial provision, if fully implemented, would have threatened highway safety for all Americans as well as the livelihoods of Teamsters in that industry. The union and consumer safety groups formed a coalition and persuaded Congress and successive administrations to avoid implementation of that piece of NAFTA.

As America's lead transportation union, representing long-haul truckers, port workers, railroad engineers and all the UPS drivers, as well as workers in the dairy and several food processing industries, the Teamsters have a big stake in American trade policy reform. The Department of Federal Legislation and Regulation, the offices of its policy specialists and lobbyists, develops strategy based on the status of trade negotiations and congressional activity, advising and reporting directly to the "front office" of the elected union leadership.

³⁰ Jeff Hauser, "AFL-CIO Ad Tells Congress: Listen to Workers, Say No to Fast Track," www.aflcio.org, October 27, 2014.

Other departments support that strategy in ways that amplify the fair trade message and the power of the union outside Washington—namely, the Communication Department (social and “earned” media as well as more substantive opinion pieces and blogs) and the Field Department (communicating with Teamsters members, Locals and Joint Councils while coordinating with the CTC field operation).

Several other unions that are most active in the fair trade movement represent workers in industries that are similarly trade-sensitive, in the sense that they depend on exports of products and services that our trading partners will pay for if the trade policy playing field is level and our industries can compete fairly.

The United Auto Workers (UAW) represents the workers who build cars and trucks for domestic and foreign consumption; and they have a direct interest in market access under our bi-lateral and multilateral commercial treaties. They and their bosses, the Big Three automakers, feel they got burned under the U.S.-Korea Free Trade Agreement (KORUS), which they supported. Now, about two years after KORUS was implemented in 2012, the U.S. trade deficit with Korea in cars, trucks and parts is as high as ever. Today, the UAW is again on the fair trade vanguard—though not currently represented on the CTC Executive Board—leading the opposition to any Fast Track or TPP, for example, that does not contain strong currency manipulation objectives and disciplines or appropriate automobile market access provisions.

The International Association of Machinists and Aerospace Workers (IAMAW) represents the workers who make airplanes, a huge American export, but that has never tempered the union’s opposition to trade agreements that don’t have the strongest possible labor rights provisions, incorporating specific ILO conventions, enforceable by the same trade sanctions that protect commercial interests. The United

Steelworkers of America (USW) has seen its membership decline as foreign steel has been dumped on North American markets, and responded with a sophisticated strategy that depends in equal measure on its robust presence in Washington and its effective rapid action network based in the Pittsburgh headquarters. Like the Teamsters, both the IAMAW and USW have supported CTC’s field organizers every year since the mother of all trade policy fights, the NAFTA.

As the TPP talks have progressed and the TTIP agreement is starting to take shape, other unions have raised their voices against NAFTA expansion and have participated in CTC governance and strategy, notably the Communications Workers of America (CWA), the International Brotherhood of Electrical Workers (IBEW), the United Brotherhood of Carpenters (UBC), and the Union of Needletrades and Industrial Textile Employees (UNITE).

Most of these industrial unions came together to fight the NAFTA under the CTC umbrella in the early 1990s. Since then, as the trade deals grew in scope and involved economic sectors beyond manufacturing, more unions representing workers in the service sectors joined the fair trade fray.

For example, some of the U.S. affiliates of Public Services International, including AFSCME and the American Federation of Teachers, participated in an historic “trade-in-services summit” at the Teamsters headquarters in September 2014. They and the powerful Service Employees International Union (represented on the LAC) oppose trade deals that threaten to privatize and deregulate public services, on behalf of workers in health care, education, transportation, utility and financial service industries.

This is important in the TTIP debate especially. Job loss was a big issue in all trade policy

fight from NAFTA forward; but the U.S.-EU negotiations are controversial for other reasons (regulatory coherence, consumer safety, the obligatory ISDS). Industrial job off-shoring is not a big threat under the TTIP; and on labor rights—the other original motive issue for the U.S. unions—the EU is arguably superior to the U.S. But public service unions on both sides of the Atlantic are apprehensive about how the neoliberal agenda advanced by the Coalition of Service Industries (CSI) and manifest in the TTIP, will affect their workplaces, wages and benefits.

The industrial unions have been the principal revenue source to the CTC and the fair trade efforts over the years. Now, the service sector unions are getting more involved. Moreover, the collaborations between organized labor and other constituencies, especially the environmentalists, are deeper now, especially in the growing anti-TTIP coalition.

Faith-Based Opposition

In September 2012, during the 17th Round of TPP talks in Leesburg, VA, Chloe Schwabe joined with other members of the Interfaith Working Group on Trade and Investment and presented on the moral concerns surrounding the TPP. She found her inspiration in the New Testament, Matthew 21:12-13, when Jesus overturns the tables of the money-lenders; and she reported back to another order, the Nebraska-based Missionary Society of St. Columban: “Columbans and I fear that the TPP will lead to just another trade policy that will further impoverish people in poverty around the world, cause additional public health disasters and environmental degradation.”

Stripped of policy minutia, the fair trade worldview of faith-based opposition groups is animated by an ecumenical demand for social and economic justice. Anti-corporate global-

ization sensibilities pervade faith-based policy perspectives and action agendas across a wide range of religions.

The Vatican is clear. To describe the concerns of the Holy See to the WTO, Archbishop Tomasi flew to Bali in December 2013, and specifically mentioned the TPP as the sort of trade negotiations that the Church opposes. He denounced that developing countries have to grant extensive rights to foreign investors and allow for essential medications to be monopolized—thus curtailing their countries’ development opportunities.³¹ In Geneva, Cardinal Peter Turkson, president of the Pontifical Council for Justice and Peace, recently criticized the free trade model for facilitating large corporations’ tax evasion while they exploit workers and natural resources.³²

The Washington-based Interfaith Working Group on Trade and Investment (IWG) represents faith-based organizations committed to shaping international trade and investment policy debates. The IWG argues that the trade agreements “present a serious moral challenge because of their profound effect upon the lives of people around the world and upon creation.”³³

Another Catholic fair-trade cadre are the Sisters of Mercy. Their objections to the TPP are summarized in five categories of social impacts—immigration, non-violence, anti-racism, women, and the earth—on a 14-bullet point chart, which they bring to TPP rounds in the United States.

31 See Statement by H.E. Archbishop Silvano M. Tomasi, Apostolic Nuncio, Permanent Observer of the Holy See, to the United Nations and other international Organizations in Geneva, “9th Session of the Ministerial Conference of the World Trade Organization,” holysemission-geneva.org, December 34, 2013.

32 See Cardinal Peter Turkson, “Why Trade Matters to Everyone,” www.news.va, September 29, 2014.

33 The Center of Concern, “Interfaith Working Group on Trade and Investment (IWG),” www.coc.org.

Among the multiple Protestant faith-based critics of the NAFTA model are the United Methodists. In Seattle, it was the downtown Methodist Church that hosted the week-long counter-conversation while the WTO fell apart at the Convention Center and the streets echoed protest. Meanwhile, the Presbyterian Mission has staked out a strong trade reform agenda and published a thoughtful critique of the TPP. Moreover, the United Church of Christ, which boasts nearly a million members, published a jeremiad against the TPP in March 2014 entitled "A Trade Agreement that is Destructive of God's People and Planet". It concludes: "Trade agreements have become a way for corporations to write and rewrite the rules of the U.S. and global economy. Congress must oppose Fast Track legislation and vote against the Trans-Pacific Partnership."³⁴

Finally, both the secular humanist Unitarian Universalist Association, which combines several theologies and 600,000 members, and the Quaker organization American Friends Service Committee have denounced the TPP.

From the sacred to the profane, the Sultanate of Brunei recently declared Islamic Law officially second-to-none. Sharia law and its deviants forbid homosexuality, so the LGBT community in Brunei is in legal and existential trouble. That's why Pride at Work, the Human Rights Campaign, the National Gay & Lesbian Task Force, and the National Center for Transgender Equality delivered a letter to the president demanding that the U.S. either get Brunei to revoke the new penal code or be removed from the TPP altogether.

When they rallied in Los Angeles against Brunei and the TPP, they were joined by leaders from the union that represented the workers who were laid off when the Sultan bought the Bever-

ly Hills Hotel. It turns out that the Sultan is a dilettante in the hospitality industry and broke the bargaining unit there and in the Ritz Carlton in New York City. For the beleaguered defenders of "free trade" and TPP boosters, if it's not one thing, it's another, and the cross sectoral fair trade networks get bigger and better at what they do, opposing anti-democratic commercial overreach and short-sighted corporate rule.

Populists

During the "Battle in Seattle," I took a break from the street action and symposia to sit in on some progressive radio shows in the ad-hoc broadcast studio we set up in the basement of the Methodist church downtown. I pointed out in an interview with Radio Nation that the crucial division of our times is no longer between the two parties, but between corporatists and populists and that the historic confrontation will take place between civil society and corporate rule.

There are corporatists and populists in both political parties, in the Democratic and the Republican caucuses in Congress; and the popular opposition to the TPP, TTIP and Fast Track, while heavily weighted to the progressive constituencies and their coalitions, described above, nonetheless includes some important, if partial, critiques from socially conservative and libertarian perspectives. This minority opinion among Republicans could have outsize influence in the 114th Congress and on the outcomes of the upcoming trade policy debates.

One fair trade sentiment where left meets right is preservation of Buy American protectionism; almost everybody loves keeping our tax dollars spent at home and opposes liberalization of the government procurement obligations. Another is the outrage against the human rights records of our TPP partners. Listen to Phyllis Schafly of the Eagle Forum ("leading

³⁴ United Church of Christ's "The Trans-Pacific Partnership: A Trade Agreement that is Destructive of God's People and Planet," www.ucc.org.

the pro-family movement since 1972”) as she warns members of her own political tribe that they shouldn’t enable President Obama to pass the TPP:

Some of the eleven TPP countries are notorious for their persecution of Christians, including Brunei, Malaysia and Vietnam. Brunei, for example [...] has a constitution that states: “The religion of Brunei Darussalam shall be the Muslim religion,” which means Islamic Sharia law supersedes all other law and regulates all aspects of life [...]. Christians and their clergy are harassed at every turn in Brunei, Malaysia, and Vietnam. Spies attend nearly every Christian gathering.³⁵

Yet another shared concern across a trans-partisan spectrum is the assault on sovereignty that the ISDS sections of both TPP and TTIP represent. For progressives, sovereignty refers to self-determination and local democratic control, the immunity that sub-federal governments enjoy from direct corporate claims under secretive trade pacts. For conservatives, ISDS is an affront to the American judicial system, Article III of the Constitution and our rich jurisprudence, because it sets up secretive tribunals for foreign investors to make claims against U.S. taxpayers. Schafly and other populists of Tea Party temper hold that Fast Track is unconstitutional too.

Way on the Right, at the lunatic fringe, you run into anti-“free trade” groups like the Wisconsin-based John Birch Society, founded in 1958 to fight the Communist menace, standing for “less government, more responsibility and—with God’s help—a better world.” Nowadays, JBS has expanded its global government conspiracy theories to encompass the TPP/TTIP axis. The demographic of this wing of the anti free-trade grassroots crusade is different from the progressive Fair Trade movement, and so is their worldview. The paranoid bandwagons of the right rail against “big government” and therefore miss the real enemies to democracy

—namely, big multinational corporations. As the Director of Missions forewarns in *Free Trade Deception Almost No One Understands*:

While you’re being told that these free trade agreements will bring prosperity, they are actually being used by establishment elites to create economically and politically integrated blocs of nations that can be knit together into a New World Order. This means that the TPP and TTIP trade pacts are a direct threat to our national independence and personal freedoms [...]. Today, the TTIP agreement represents an attempt by European and American establishment elites to merge the United States with the EU; the TPP is an attempt to economically and politically integrate the United States with eleven Pacific Rim nations.³⁶

Straight parallel lines will never meet, and it remains to be seen whether the ideological spectrum forms a circle, not a line, around the issues of globalization. However, in the ongoing struggle against corporate rule, as Naomi Klein reminds us, “You make sure you have enough people on your side to change the balance of power and take on those responsible, knowing that true populist movements always draw from both the left and the right.”³⁷

Today there are fair trade networks that are legitimately trans-partisan, in which differences of opinion on other issues are held in abeyance to permit concerted efforts to fix or nix, repair or replace, the TPP, the TTIP, and Fast Track. An example is the Coalition for a Prosperous America, which includes on its governing board free trade critics from both labor and business, farmers, ranchers, and conservative economists. In the national conversations about working families in the global economy, trade policy reform cuts across party lines more than any other.

35 Phyllis Schlafly, “Boehner Republicans Heading for Big Mistake,” *Eagle Forum*, September 2013.

36 Larry Greenly, “The Free Trade Deception Almost No One Understands,” *The John Birch Society*, September 24, 2014. The JBS leadership is comprised of 26 old white guysmen and Mrs. Deborah Pauly, the Orange County (CA) Republican official and “popular Tea Party speaker.”

37 Naomi Klein, *This Changes Everything: Capitalism vs. The Climate*, New York: Simon & Schuster, 2014.

Conclusion

On September 25, 1998 the U.S. House of Representatives rejected The Reciprocal Trade Agreement Authorities Act, better known as “Fast Track.” Democratic President Bill Clinton and Republican Speaker Newt Gingrich had lobbied hard for that crucial delegation of Article I constitutional authority, to pave the way for the signing and ratification of the Free Trade Area of the Americas (FTAA). They were supported by the K Street and Wall Street corporate free trade lobby. Nonetheless, 71 Republicans joined 171 Democrats and Bernie Sanders, a self-styled Socialist, and voted No. Clinton didn’t get his Fast Track and the FTAA died on the vine.

Fast forward to the present debate. Barack Obama, another second-term Democratic president in cahoots with another Republican Speaker, John Boehner, needs Fast Track to conclude negotiations of two highly controversial multilateral commercial agreements, TPP and TTIP. The Republican big business free-trade lobby, whatever else they think of this president, wants him to press Congress to give him Fast Track. Whether enough Republican Congresspeople are willing to grant Obama the additional authority of Fast Track, remains to be seen.

Lines of Defense

For the American fair trade movement, there are three lines of defense against NAFTA expansion. The first and best way to defeat an inadequate TPP or TTIP is to derail them during the negotiations. Working with international partners, “monkey-wrenching” the deals before they are signed, the CTC and its affiliates and allies can help make the TPP and the TTIP “as dead as Doha” the failed WTO negotiations since Seattle.

Without revealing the “trade secrets” of the organized international civil society opposition to these negotiations, suffice it to say that influencing the direction and outcome of the negotiations requires coordination among allies who live in different countries (the parties to the negotiations), usually in the capitals, and who can persuade their separate national negotiators to take hard lines, to refuse to compromise in important issue areas, like ISDS, or any of the topics described in the foregoing chapters.

Another arrow in the fair trade quiver takes aim at the secrecy that surrounds the TPP and TTIP talks. The “Dracula strategy” relies on leaks of negotiating strategies and texts; and it is premised on the tested tactic (from the MAI and the FTAA attempted agreements of the 1990s) that, once exposed to the sunlight of public and press scrutiny, bad agreements that subordinate civil society values to corporate profits will die, like vampires.

All this discussion of sabotage and the death of negotiations, however, obscures an important consideration during the negotiation phase. This is the only line of defense from which a policy counterattack is possible, to transform the agreements from investment protection regimes to fair trade blueprints for sustainable multilateral futures. To wit, now is the last chance to “fix-or-nix” the TPP and TTIP, so we take our role as stakeholders seriously and lobby for the perfect pacts. The negotiators know our demands.

We can’t know yet how bad these deals will be but, so far, all indications are that the NAFTA model is intact and manifest in their evolving chapters. The secret Trans-Pacific talks sputter along ad nauseam with perennial official lip-service paid to an elusive endgame. Mean-

while, the young Trans-Atlantic free trade initiative is already suffering from existential identity crises: What is the new European Commission's trade and investment agenda or the priorities of the EU Parliament? Is the U.S. really committed to concluding a high-end agreement with Europe or is the TTIP a side-show to the TPP and the geopolitical Asian pivot? Will ISDS be included despite broad transatlantic civil society opposition?

The second line of defense is the Fast Track fight on Capitol Hill, where we will need 218 votes in the House, mostly Democrats but a few score Republicans who, for whatever reasons, don't want to give this president additional constitutional authority in his last two years. Our best weapon is the straightforward argument that Teamster President James Hoffa included in his letter to both the House and Senate:

Given the size and complexity of the new crop of trade deals which the U.S. Trade Representative is negotiating; and given the lack of transparency to Congress and the public during these trade talks; and given the record of job losses which we sadly commemorate twenty years after NAFTA was passed with Fast Track; it is simply inappropriate for Congress to relinquish any of your constitutional authority to determine the direction of U.S. participation in the global economy.

The "free trade" fight for Fast Track will most likely be joined during the spring of 2015, in the First Session of the 114th Congress. Every day's delay is a victory for the opponents of corporate globalization. And it remains to be seen whether the national and local groups and coalitions, described above, will prevail as they did when Bill Clinton asked for Fast Track or lose the House vote narrowly, like in 2002 when George W. Bush wanted it.

Finally, if the negotiations conclude, the agreements are signed, and President Obama gets Fast Track, then the last line in the fight for fair trade is the ratification of the TPP, followed by

the same for the TTIP. And if trade policy history is any guide, the administration and free trade lobby will probably win those battles. That's why the ratification fight is the last line of defense.

The Impact of the U.S. Mid-Term Election

The mid-term elections on November 4, 2014 created a Congress that is more amenable to the free trade agenda of the corporate elites, more hostile to the fair trade arguments of civil society than the previous Congress. The election outcome favors the Republicans in the House, 247-188 and in the Senate 54-46 (with two independent senators caucusing with the Democrats). This otherwise unfortunate outcome of the American 2014 mid-term election—which bodes badly for progressive policy agenda on several issue fronts—does not, however, necessarily change the legislative prospects for Fast Track.

Due to the generally more corporatist sentiments that obtain in the upper chamber, Fast Track passing in the Senate was always a foregone conclusion—even when the Democrats still had the majority.

The fight for fair trade is taking place in the House. And if and when Fast Track moves on the Hill, setting the stage for the TPP and TTIP fights, the only way that the corporate and investment free trade elites will be frustrated is if every individual member of every fair trade network across the country, across the several constituencies that comprise the coalition, across the anti-free trade ideological and partisan continuum—if everyone contacts his or her member of Congress in the new year. That will be a big lift for the CTC, its allies and affiliates, but (to paraphrase the poet) an organizer's reach should exceed her grasp, or what's a heaven for.

As the progressive left has demonstrated before, there is no substitute for real grassroots and actual accountable field structures that support popular networks. This report serves as a brief compendium of that growing national coalition against corporate globalization. But it is also intended as a celebration of the breadth and depth of the fair trade mobilization, the whole greater than the sum of its parts, and the critique and the commitment that keep us working together, growing stronger.

Moving Forward

To conclude, I would like to suggest a few lessons upon which we can build a bigger, better movement for future fights against corporate globalization.

The first lesson concerns the strategic use of indirect and direct action. In the struggle against TPP and TTIP, the U.S. fair trade movement has engaged in indirect action. Many campaigns focus on lobbying: They demand from particular representatives in the national legislature, possessing constitutional power to reform U.S. trade policy, to vote against any legislation that would undermine the power of Congress—i.e., Fast Track—and against any trade deals that contribute to global income inequality, human rights violations, consumer dangers, environmental degradation, and climate change. Indirect action is an effective strategy, necessary but not sufficient, to end global corporate rule.

The tactical approach of direct action goes further and was effectively used, for instance, in the Battle in Seattle. By using our bodies and risking arrest, we seek to prevent—directly and defiantly—undemocratic political activities, such as secret trade talks, from happening. There are many creative forms of direct action that are either interfering with certain opposed political activities, or demonstrating

more favorable alternatives for all. The strategic value of direct action is, beyond the brief delay of a specific event, to influence the broader public policy debate by means of broad media coverage.

Currently, the European movement against the TTIP is better organized in terms of protest than the U.S. counterpart, especially when it comes to turn-out, crowd-building, and militancy of messages and tactics. I was reminded of this during a TTIP demonstration in Brussels in March 2014, outside the European Commission headquarters, the windows of which ended up covered with milk. Meanwhile, in Washington D.C., the capital of the great trade hegemon and the headquarters of so many of the organizations that comprise the fair trade coalitions, even the mobilization for a small protest during the negotiations in December 2014 was a challenge.

There are positive examples of successful protests that the U.S. fair trade movement can draw lessons from: 1999 in Seattle against the WTO, a year later in D.C. against the IMF, and 2003 during the Free Trade Area of the Americas (FTAA) talks in Miami. These protests gained attention of the media, opinion leaders, and policy-makers because they engaged multiple constituencies and different organizing traditions. It was a “movement of movements” as described in Section 3. In particular, the non-hierarchical consensus process of the anarchists and direct action networks was an important complement to the hierarchical approach of the labor movement and many of the nonprofit membership organizations (consumer and mainstream environmental groups). The current fair trade movement can only create a national political and rhetorical space for real policy reform if radicals and reformists again work together against global corporate power, and if vertical and horizontal orientations are integral components of the mobilization.

The second lesson, to return to the Citizens Trade Campaign, described in Section 3.1, is the importance of a broad, resourced, durable, and formal coalition with the following elements:

- ⇒ Executive committee—A cross-sector coalition of core national organizations that meets monthly to share information and analysis, set strategy, and coordinate lobbying and field efforts;
- ⇒ “Big Tent”—A network of allied organizations that convenes quarterly to brief on issue analysis and upcoming action opportunities;
- ⇒ State-based coalitions—A network of state-based and regional coalitions that build a base of supporters and mobilize pressure on Congressional targets in their respective home state;
- ⇒ Activist briefings—Regular national briefing calls and emails that update activists on the latest issues and action opportunities.

The third lesson is that we need to strengthen the international fair trade coalition by working towards a stronger U.S. union affiliation. “Our World Is Not For Sale” (OWINFS) is an active global network of 216 organizations, including ten regional chapters of the pro-Tobin Tax ATTAC network, Friends of the Earth and four of its European affiliates, and several CTC members—notably the Sierra Club, Institute for Agriculture and

Trade Policy (IATP) and the Communications Workers of America (CWA). Unfortunately, CWA is but one of too few labor unions that are more engaged in international coalition-building and part of the OWINFS network. Among U.S. unions confronting the TPP and TTIP, it is among the most active and militant, so it is not surprising that CWA is more engaged in international coalition-building than some of the old-line anti-NAFTA unions. For the good of the global fair trade movement, it might be strategic for more unions to affiliate and coordinate with OWINFS, staff and support it, starting with all the unions that belong to the CTC, plus perhaps the lead American labor federations, AFL-CIO and Change to Win.

Finally, to end on a positive note, the ever-growing importance of e-activism and social media provides certain advantages for civil society over corporate and political hierarchies. The internet and progressive populism have much in common: they are broad and wide, diffuse and horizontal, growing and gaining power, and neither hierarchical nor easily compartmentalized. The internet links political groups with disparate agendas and enables them to identify a common enemy. As long as the internet remains free and fast (or at least affordable and uncensored), online organizing will be indispensable to the fair trade movement’s victories over global capitalism. And make no mistake: we will work tirelessly, because we are in it to win!

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