

NAFTA, CAFTA-DR & Canadian Extractive Industries at Home and Abroad

Report and Campaign Proposals

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Executive Summary

If someone with incredibly good counting abilities journeyed through the Canadian Boreal, they could count at least five billion land birds, tens of million of which depend on the Boreal because it contains 80% of the world's freshwater and 25% of the remaining intact forests on the planet. ^{1 2 3} If after his Boreal journey, he decided to peek at the Canadian tundra, he would have to visually digest a reigon that makes up fifteen percent of the world's surface and should be covered completely in snow. On the other hand, he might not see the extreme biodiversity in the Boreal or the frozen ice and snow in the tundra. Instead, in the Canadian Boreal, this person may see contaminated rivers, mutated wetlands creatures, and deforestation caused by tar sands mining operations, natural gas extraction, logging, and mining, as perpetuated by the North American Free Trade Agreement (NAFTA). As for the frozen tundra, the green house gas emission, bolstered by extractive industries, are sending the Canadian tundra into a rapid melt down. ^{4 5}

NAFTA's proportionality clause guarantees the United States remain dependent on tar sands by requiring Canada to export its oil and natural gas resources to the United States even if it is experiencing domestic shortages. ⁶ The Commission for Environmental Corporation was established as a side agreement to NAFTA to quell concerns that NAFTA would mean lower environmental standards for foreign investors, but Canada, Mexico, and the United States have been condemned for obstructing this commission. ⁷ Both NAFTA and CAFTA contain an

¹ "The Global Significance of Canada's Boreal Forest." *About Canada's Boreal*. Canadian Boreal Initiative, n.d. Web. 9 Aug 2010. <<http://www.borealcanada.ca/boreal-regions-e.php>>.

² "North America's Other Duck Factory." *Ducks*. Ducks Unlimited: World Leader in Ducks Conservation, 5/6/2009. Web. 30 Jul 2010. <<http://www.ducks.org/blogs/1/273/index.html>>.

³ "A Global Treasure Under Threat." *The Canadian Boreal Forrest*. The Natural Resources Defense Council, n.d. Web. 9 Aug 2010. <<http://www.nrdc.org/land/forests/fboreal.asp>>.

⁴ "Global warming causing disappearance of tundra in Canada." *Mongabay* (2007): n. pag. Web. 10 Aug 2010. <<http://news.mongabay.com/2007/0305-tundra.html>>.

⁵ Ljunggren, David. "Arctic tundra hotter, boosting global warming, BC expert says." *Vancouver Sun* (2010): n. pag. Web. 10 Aug 2010. <<http://www.vancouversun.com/technology/Arctic+tundra+hotter+boosting+global+warming+expert/1842027/story.html>>.

⁶ Laxer, Gordon, and John Dillon. "Over a Barrel: Exiting from NAFTA's Proportionality Clause." *Over a Barrel*. Policy Alternatives, 05/2008. Web. 21 Jul 2010. <http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2008/Over_A_Barrel.pdf>.

⁷ "NAFTA Commission confirms Canadian failure to enforce wildlife law against logging companies." *EcoJustice* (2007): n. pag. Web. 10 Aug 2010. <<http://www.ecojustice.ca/media-centre/press-releases/nafta-commission-confirms-canadian-failure-to-enforce-wildlife>>.

investment chapter that grants corporations the right to sue NAFTA signatory governments.⁸

Recently, Environmental Defense Canada, Natural Resources Defense Council, and three citizens file a NAFTA claim against Canada, claiming that Canada is not enforcing its pollution rules.⁹ In *Methanex vs. the United States*, this Canadian company challenged the California outlaw against the gasoline additive MTBE.¹⁰ In *Merrill Ring vs. the Government of Canada*, Merrill & Ring Forestry, a United States company, attempted to use NAFTA to reclaim profit damage caused by restrictions on log exports.¹¹ Bilicon, a quarry in the United States, claimed that the California environmental review process was discriminatory.¹² AbitibiBowater Inc, a US incorporated pulp and paper manufacturer, filed a NAFTA complaint after Canada demanded it clean up its industrial site.¹³ In *Glamis Gold Lt. vs. the United States*, another Canadian mining company attempted to use NAFTA to gain compensation because of a California law that required the company to back-fill holes and return the landscape back to its original form after mining was completed.¹⁴ The CAFTA case between Pacific Rim against El Salvador could grant Pac Rim compensation for not being allowed to contaminate El Salvador's largest river.

Major Canadian extraction industries include pipeline projects, large scale logging, tar sand extraction, and mining. The Mackenzie River Pipeline will soon carry oil from the Canadian arctic to southern Canada.¹⁵ If the rate of logging remains consistent, all of the unprotected, commercially valuable ancient temperate rainforests in Canada will be gone by 2020.¹⁶ Mass removal of water required for tar sands extraction causes loss of breeding habitats for hundreds and thousands of birds and the Threatened woodland caribou.¹⁷ ¹⁸ In 2008, 1,6000 migratory birds were killed in Syncrude's tailing ponds.¹⁹ Acid precipitation, river and lake contamination, and the feminization of turtles are caused by tar sands.²⁰ Abandoned mines contaminate local creeks of First Nation, leave behind underground arsenic dust collections, and cause increased cancer rates.²¹

Sixty percent of the world's mining corporations come from Canada. In Guatemala, Glamis Gold Ltd met a blockade of resistance that was broken up by the military. Goldcorp's Marlin mine in Guatemala caused the urine and blood of inhabitants living near the mine to be filled with extreme levels of mercury, copper, zinc, arsenic, and lead.²² In El Salvador, opponents of the Pac Rim mine have been assassinated.²³ Security guards working at a mine, owned by Barrick Gold, in Papua New Guinea were found guilty of gang raping local women. Chile's National Water Commission is attempting legal sanctions on Canada's Barrick Gold for failing to abide by Chilean environmental laws during construction of their Pascua Lama mine.²⁴ Copper Mesa Mining Corp has also been accused of using paramilitaries to intimidate local anti-

law-against-logging-companies>.

⁸ "NAFTA Chapter 11 Investor-to-State Cases: Bankrupting Democracy." *Trade Observatory* (2001): n. pag. Web. 10 Aug 2010. <<http://www.tradeobservatory.org/library.cfm?refID=25342>>.

⁹ "Green groups launch NAFTA Action on Canada Oil sands." *Reuters Environmental Online Report* April 2010: n. pag. Web. 21 Jul 2010. <<http://www.mnn.com/earth-matters/wilderness-resources/stories/green-groups-launch-nafta-action-on-canada-oil-sands>>.

¹⁰ "Responsible Trade: The North American Free Trade Agreement." *the Sierra Club* (2010): n. pag. Web. 5 Aug 2010. <<http://www.sierraclub.org/trade/globalization/nafta.aspx>>.

¹¹ "Merrill & Ring Forestry L.P. v. Government of Canada." *Cases Filed Against Government of Canada*. United States Department of State, 2009. Web. 21 Jul 2010. <<http://www.state.gov/s/l/c29742.htm>>.

¹² Eaton, Janet M. "NAFTA Challenge - Digby Neck Quarry." *ViveleCanada* 02/007/2010: n. pag. Web. 21 Jul 2010. <<http://www.vivelecanada.ca/article/215545899-nafta-challenge-digby-neck-quarry>>.

¹³ Best, Chris. "Newfoundland Loses Latest Round Against AbitibiBowater Inc." *Court* 2010: n. pag. Web. 21 Jul 2010. <<http://www.thecourt.ca/2010/05/28/newfoundland-loses-latest-round-against-abitibibowater-inc/>>.

¹⁴ "Responsible Trade: The North American Free Trade Agreement." *the Sierra Club* (2010): n. pag. Web. 5 Aug 2010. <<http://www.sierraclub.org/trade/globalization/nafta.aspx>>.

¹⁵ "Mackenzie River Gas Pipeline approved." *Go Green* (2009): n. pag. Web. 10 Aug 2010. <<http://michellelouie.com/environment-issues/mackenzie-river-gas-pipeline-approved>>.

¹⁶ "Boreal Birds." *Churchill River, Innu Nation*. International Boreal Conservation Campaign, n.d. Web. 30 Jul 2010. <<http://www.borealbirds.org/resources/factsheet-IBCC-globalwarming.pdf>>.

¹⁷ Wells, Jeff. "Impact on Birds of Tar Sands." *NRDC Report* Dec. 2008: n. pag. Web. 5 Aug 2010. <<http://www.nrdc.org/wildlife/borealbirds.pdf>>.

¹⁸ Anaruk, Amy. "Money in the Earth's Bank: Preservation of Canada's Boreal Forest." *Celcias News and Opinions*. Celcias, 7/31/2008. Web. 30 Jul 2010. <<http://www.celsias.com/article/money-earths-bank-preservation-canadas-boreal-fore/>>.

¹⁹ Feldman, Stacy. "Anti-Tourism Oil Disaster Billboards Debut in Four U.S. Cities." *Solve Climate Daily Climate News and Analysis* (2010): n. pag. Web. 3 Aug 2010. <<http://solveclimate.com/blog/20100714/anti-tourism-oil-disaster-billboards-debut-four-u-s-cities>>.

²⁰ "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

²¹ "The Case Studies." *Niche: Network in Canadian History & Environment* n. pag. Web. 10 Aug 2010. <<http://niche-canada.org/mining/case>>.

²² Ahni, . "Guatemala says it will suspend Goldcorp's Marlin mine." *Intercontinental City* (2010): n. pag. Web. 10 Aug 2010. <<http://intercontinentalcry.org/guatemala-says-it-will-suspend-goldcorps-marlin-mine/>>.

²³ "Call-In Day: Tell Pacific Rim to get out of Cabañas!" *CISPES Committee in Solidarity with the People of El Salvador* (2010): n. pag. Web. 10 Aug 2010. <http://www.cispes.org/index.php?option=com_content&task=view&id=659&Itemid=27>.

²⁴ Fowler, James. "Government Study: Chilean Gold Mine Threatens Local Glaciers ." *Protest Barrick* (2009): n. pag. Web. 10 Aug 2010. <<http://www.protestbarrick.net/article.php?id=556>>.

mining community members.²⁵

Keystone Gulf Coast Expansion, commonly known as Keystone XL, is a proposed pipeline that would be built from Alberta, Canada to Port Arthur Texas. If this pipeline is built, the number of tar sands exports will go from 800,000 barrels a day to 1.3 billion barrels per day by 2013. This pipeline will be built in feeding places for migratory birds, the Ogallala Aquifer, Indian reservations, and habitats for Threatened species. In Port Arthur, Texas, where the tar sand refineries will be built, ozone, carbon monoxide, and fine particulates will be released into the area.²⁶ A Keystone XL spill would be inevitable because of poor weather conditions along the pipeline route and conditions in Ogallala that make water so close to the surface.²⁷ The spills from pipelines owned by Enbridge, Canada's largest transporter of crude oil, number over 600.²⁸

1. We should consider a campaign to gain more elected officials to support the TRADE Act, through phone calls, letters, emails, and faxes, with the ultimate goal of passing the TRADE Act.
2. This strategy, as well as joining with a unique spectrum of allies from all party lines, could be used in a more drastic campaign with the goal of rallying support behind the Bill to Repeal NAFTA.
3. By joining with the NY CISPES, we could protest against the Pac Rim CAFTA case and address the horror of CAFTA-DR's investor rights provisions with the goal of forcing Pac Rim to drop this case.
4. During this campaign, or even as a separate publicity campaign, we should also raise awareness to the the Milwaukee Commerce Group CAFTA case with the goal of pressuring Commerce Group to drop this case as well.
5. We could bring protests against the Keystone XL Pipeline to the New York area, while joining up with other anti-tar sands advocates across the nation for a massive protest. During this campaign, we would also make phone calls, send letters, emails, and faxes to elected officials to increase the list of politicians opposed to this pipeline. Because his approval is needed for this pipeline, we could specifically protest in areas where President Obama is touring.
6. Because Pac Rim and Barrick are both Canadian companies, and because the tar sands pipeline would also be built by a Canadian company, any campaign against these items would also include support for Bill C-300. If the campaign in support of Bill C-300 is to stand on its own, it should be a massive media campaign to counter the massive campaign industries are taking against Bill C-300. We could also campaign to companies to support it, by petitioning, writing letters, sending faxes, making phone calls, and writing emails, by showing that not supporting this bill has a negative effect on their image as it stands. For example, it should be highlighted during our media campaign that Barrick, a main opponent to this bill, is admitting to human rights and environmental abuse by not supporting this bill. In summary, my campaign ideas include support for the TRADE Act, support for the Bill to Repeal NAFTA, opposition to Pac Rim and the CAFTA case against El Salvador, opposition to Commerce Group and their CASE case against El Salvador, opposition to the Keystone XL Pipeline, and support for Bill C-300.



**The Threatened
Woodland
Caribou and its
destroyed
habitat.**

²⁵ Popplewell, Brett. "Copper Mesa sued for alleged assault." *Star* (2009): n. pag. Web. 10 Aug 2010. <<http://www.thestar.com/news/canada/article/729148>>.

²⁶ Jerke, Tyler. "Pipeline opponents protest in Rapid City." *Rapid City Journal* (2010): n. pag. Web. 3 Aug 2010. <http://www.rapidcityjournal.com/news/article_d26d796e-8ad0-11df-95c7-001cc4c002e0.html>.

²⁷ "Letters, 6/13: Don't risk water supply." *Journal Star* (2010): n. pag. Web. 3 Aug 2010. <http://journalstar.com/news/opinion/mailbag/article_69c1760a-7684-11df-b355-001cc4c03286.html>.

²⁸ "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

Canada's Environmental Significance

BOREAL FORESTS

At 3,000 miles, stretching from Newfoundland to the Yukon, the Boreal is 2.3 million square miles wide and even larger than the Brazilian Amazon.²⁹ Many species, forced northward by climate change, have ended up in the Canadian Boreal. Each year, more than 12 million ducks and waterfowl nest breed in Canada's Boreal.³⁰ To 3 million migratory birds, the Boreal is a spring cottage. More than 4 million people, many of them belonging to First Nation communities, live within the Boreal.³¹ The thick layers of moss, soil and peat of the Boreal are the world's largest terrestrial storehouse of organic carbon and play an enormous role in regulating the Earth's climate. Boreal wetlands filter millions of gallons of water each day that fill our northern rivers, lakes, and streams. Approximately 80 percent of the Canadian Boreal forest is still unfragmented by roads. The elusive and threatened woodland caribou, known as the grey ghost, depends for food on old-growth Boreal forests and the lichen that have taken 100 years to develop there. Mostly in public hands, over half of Canada's Boreal has yet to be allocated to industrial use.³²



²⁹ "The Global Significance of Canada's Boreal Forest." *About Canada's Boreal*. Canadian Boreal Initiative, n.d. Web. 9 Aug 2010. <<http://www.borealcanada.ca/boreal-regions-e.php>>.

³⁰ "North America's Other Duck Factory." *Ducks*. Ducks Unlimited: World Leader in Ducks Conservation, 5/6/2009. Web. 30 Jul 2010. <<http://www.ducks.org/blogs/1/273/index.html>>.

³¹

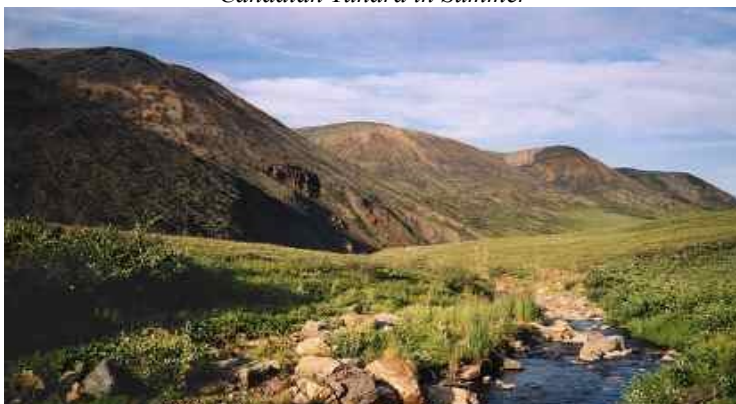
³² "A Global Treasure Under Threat." *The Canadian Boreal Forrester*. The Natural Resources Defense Council, n.d. Web. 9 Aug 2010. <<http://www.nrdc.org/land/forests/fboreal.asp>>.

TUNDRA

Canadian Tundra in Winter



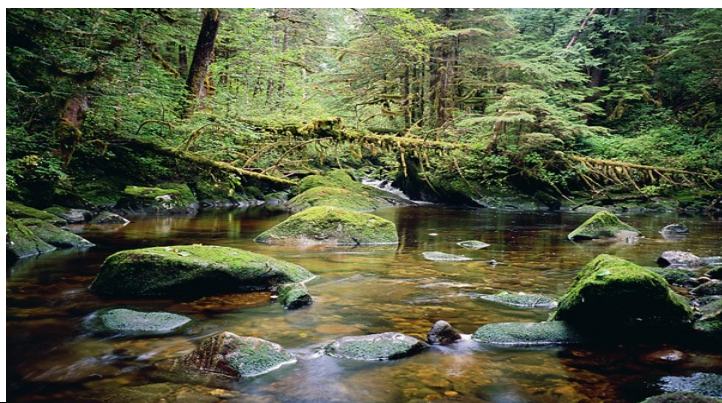
Canadian Tundra in Summer



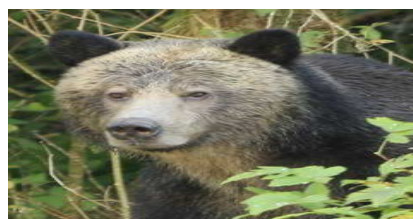
The environmental significance of the Canadian tundra rests in the impact it has when it begins to disappear. The tundra covers about fifteen percent of the world's surface and makes up around 30% of Canadian territory. Since 1970, temperatures in the tundra region have risen by 1 degree Celsius per decade. According to Dr. David Hik, a biologist at the University in Alberta, "treeline advanced considerably—as much as 85 meters elevation—on warm, south-facing slopes and tree density increased significantly—as much as 65 per cent—on cooler, north-facing slopes." As the Arctic tundra thaws, large amounts of stored carbon are released into the atmosphere. Tree growth in the northern latitude also contributes to climate change by absorbing large amounts of sunlight. ³³ When permafrost melts, carbon bubbles to the surface of lakes and dissipates into the atmosphere as methane, a greenhouse gas 23 times more potent than carbon dioxide. ³⁴ Because of the small number of plant and animal species and the fragility of the food chains, damage to any element of the habitat will cause an immediate chain reaction. ³⁵ In what is known by scientists as "the positive feedback loop", when methane is released, it causes more warming and thereby the release of even more methane.

TEMPERATE RAINFORESTS

Friends of the Earth states, "The temperate rainforest [of Vancouver Island], although not as species rich or diversified as the tropical rainforest, is the most productive (in terms of biomass) forest ecosystem in the world. These forests contain some of the largest trees on the planet, threatened species such as the Marbled Murrelet and, it is believed, many species yet to be identified. Recently, limited research in the forests of the Carmanah Valley, Vancouver Island revealed 60 species of invertebrate new to science."³⁶



Clearcut logging by a small Canadian timber company, Upper Lillooet Valley, Stoltmann Wilderness Area, British Columbia, Canada, 1995. Photo: Ian McKenzie



³³ "Global warming causing disappearance of tundra in Canada." *Mongabay* (2007): n. pag. Web. 10 Aug 2010. <<http://news.mongabay.com/2007/0305-tundra.html>>.

³⁴ "Melting permafrost methane emissions: Another threat to climate change." *Terra Nature* (2006): n. pag. Web. 16 Aug 2010. <<http://www.terrannature.org/methaneSiberia.htm>>.

³⁵ Ljunggren, David. "Arctic tundra hotter, boosting global warming, BC expert says." *Vancouver Sun* (2010): n. pag. Web. 10 Aug 2010. <<http://www.vancouversun.com/technology/Arctic+tundra+hotter+boosting+global+warming+expert/1842027/story.html>>.

³⁶ "Earth's green halo." *Forest Ethics* n. pag. Web. 10 Aug 2010. <<http://www.forestethics.org/the-boreal-forest-the-facts>>.

Environmental Impact of Extractive Industries in Canada

SUMMARY

Extractive industries are a major threat to Canadian biodiversity. Canada is threatened by the Mackenzie Pipeline, which will lead to water contamination during its run from the Arctic through southern Canada. Tar sands are the most environmentally destructive project on earth. This massive oil extraction project causes massive deforestation, unleashes three times the amount of green house emission as regular oil when it is used, kills many animals in its tailing ponds, takes away water from tailing ponds that migratory birds depend on, and contaminates water resources while causing acid precipitation and the increased rates of cancer and genetic problems. Logging is also a substantial threat to the Canadian wilderness. In Canada, large numbers of mines are abandoned and the lack of clean up effort results in severe river contamination and the underground build up of arsenic dust.

OIL

The United States imports more oil from Canada than from any other country and approximately 90 percent of total U.S. natural gas imports come from Canada -- primarily from Alberta, but increasingly from further north in British Columbia, Yukon and the Northwest Territories' Boreal forest.³⁷ In the west, oil and gas exploration and development have carved an ever-expanding network of roads and seismic lines into the forest.

One quarter of the world's untapped oil and gas reserves are estimated to lie in the Arctic. To facilitate the movement of gas and oil south, the Mackenzie River has been approved as the location for a pipeline. Imperial Oil Ltd. is the lead partner in the Mackenzie project. This includes Imperial's U.S. parent, ExxonMobil Corp., ConocoPhillips and Royal Dutch Shell PLC. In July 2009, Mackenzie River Delta already began to experience higher levels of mercury contamination from coal powered production.³⁸ The Mackenzie River, the location now destined to hold a pipeline, begins at the Canadian Rockies and transforms into a series of lakes until it becomes the Arctic Ocean. It is the longest river in North America after the Mississippi and encompasses one-fifth of Canada. Because there is no pipeline going through it, it is undeveloped wilderness, containing lakes, wetlands, smaller rivers, the Canadian Boreal, and the moose, caribou, wolves, bear, and thousands upon thousands of birds that use it as a flyaway. This area is a huge estuary that provides vital habitat for migrating Snow Geese, Tundra Swans, Brant, and other waterfowl. Beluga whales also use the Mackenzie River as a calving area.³⁹

TAR SANDS

According to Corporate Ethics and the Ottawa-based Environmental Defense Report, the single most environmentally destructive project in the world today is Canada's tar sands. Tar sands are, without a doubt, destroying the Canadian Boreal. Within Canada's Boreal trees, soil, water and peat, more than 186 billion tones of carbon are stored.⁴⁰ This number is equivalent to 913 year's worth of greenhouse gas emission in Canada.⁴¹ Production of tar sands already creates about 82% more greenhouse-gas emissions produced by the emission of conventional gas. This is because tar sands are locked inside bitumen and extracting bitumen is alarmingly energy intensive.⁴² The process contaminates about three barrels of water for every barrel of oil produced.⁴³ Breeding habitat loss is caused by water removal required for tar sands operations. Currently, tar sands operations are allowed to remove enough water that would meet the needs of 2 million humans. Consequently, Alberta's rivers and underground reservoirs have caused negative impacts for hundreds of thousands of birds that are dependent on wetland habitats in the tar sands. A decline in woodland caribou, who once roamed across the Beaver Lake Cree's traditional territories in Alberta, Canada, already serves to demonstrate the decline in the animal population caused by the tar sands industry. While thousands of woodland caribou once roamed in territories in Alberta, Canada, only somewhere between 175 and 275 of woodland caribou remain and the woodland caribou is now on the Endangered Species list.⁴⁴

While most associate the images of birds drowning in crude oil with BP, this image can also be found at the tar sand tailing ponds. As

³⁷ "A Global Treasure Under Threat." *The Canadian Boreal Forrest*. The Natural Resources Defense Council, n.d. Web. 9 Aug 2010. <<http://www.nrdc.org/land/forests/fboreal.asp>>.

³⁸ "Mackenzie River Gas Pipeline approved." *Go Green* (2009): n. pag. Web. 10 Aug 2010. <<http://michellelouie.com/environment-issues/mackenzie-river-gas-pipeline-approved>>.

³⁹ Ridgeway, James. "Pipeline Through Paradise: Big Oil's Plan to Tap the Arctic." *Mother Jones* (2007): n. pag. Web. 10 Aug 2010. <<http://motherjones.com/politics/2007/10/pipeline-through-paradise-big-oils-plan-tap-arctic>>.

⁴⁰ "Boreal Birds." *Churchill River, Innu Nation*. International Boreal Conservation Campaign, n.d. Web. 30 Jul 2010. <<http://www.borealbirds.org/resources/factsheet-IBCC-globalwarming.pdf>>.

⁴¹ Anaruk, Amy. "Money in the Earth's Bank: Preservation of Canada's Boreal Forest." *Celcias News and Opinions*. Celcias, 7/31/2008. Web. 30 Jul 2010. <<http://www.celsias.com/article/money-earths-bank-preservation-canadas-boreal-fore/>>.

⁴² Feldman, Stacy. "Anti-Tourism Oil Disaster Billboards Debut in Four U.S. Cities." *Solve Climate Daily Climate News and Analysis* (2010): n. pag. Web. 3 Aug 2010. <<http://solveclimate.com/blog/20100714/anti-tourism-oil-disaster-billboards-debut-four-u-s-cities>>.

⁴³ Feldman, Stacy. "Anti-Tourism Oil Disaster Billboards Debut in Four U.S. Cities." *Solve Climate Daily Climate News and Analysis* (2010): n. pag. Web. 3 Aug 2010. <<http://solveclimate.com/blog/20100714/anti-tourism-oil-disaster-billboards-debut-four-u-s-cities>>.

⁴⁴ Wells, Jeff. "Impact on Birds of Tar Sands." *NRDC Report* Dec. 2008: n. pag. Web. 5 Aug 2010. <<http://www.nrdc.org/wildlife/borealbirds.pdf>>.

defined by Wikipedia, tailing ponds are the materials left over after the process of separating the valuable fraction from the worthless fraction of an ore. Tailings ponds in Canada mean 50 square miles of phenols, arsenic, mercury and carcinogen sand can be seen from space.⁴⁵ In June of 2008, Syncrude Canada Ltd, the world's largest producer of synthetic crude oil from oil sands and the largest single source producer in Canada, was found guilty of poisoning 1,600 migratory waterfowl in a tailing pond belonging to the company.⁴⁶ Syncrude had attempted to lure the birds away from the toxic tailing ponds, but their noise cannons and scarecrows were clearly not successful.⁴⁷ In this case, Syncrude was said to violate both Alberta's Environmental Protection and Enhancement Act, which prohibits the deposit of substances harmful to migratory birds in areas they frequent, and Ottawa's Migratory Birds Convention Act, which demands that companies must prevent toxic wastes from contacting birds. While many feared this case would make tailing ponds illegal, the Provincial Court Judge Ken Tjosvold stated, "I am satisfied that effective operating deterrents can reduce the number of birds that will land on the water body" before determining that Syncrude had not sought these "effective operating deterrents."⁴⁸

In Saskatchewan, acid precipitation from the tar sands has caused a build up of nitrogen in Alberta, pouring into the lakes, rivers, soils, forests, buildings, and impacting the wildlife and human health in the area. In rivers and lakes, the acid deposition converts mercury into methyl-mercury to be eaten by fish, animals, and humans. In Sarnia, Ontario, nicknamed "Chemical Valley" Suncor Energy's Sarnia refinery that processes tar sands oil is the fourth largest polluter in the region, sending out over 10 million kilograms of toxic air pollutants in 2005. It is also ranked number one in the region in terms of chemicals released that are suspected to be reproductive or development intoxicants. Scientists have found evidence of "feminized" turtles in the St. Clair River that runs through the area. After noticing an increasing number of cases of bile duct cancer, colon cancer, lymphoma, leukemia, autoimmune diseases such as lupus, as well as thyroid cancers, overactive thyroid, and skin rashes, Dr. John O'Connor, the family doctor for Fort Chipewyan, spoke out. Consequently, the Alberta College of Physicians launched an investigation at the request of Health Canada and Alberta Environment, not to investigate tar sands, but to investigate and then silence the doctor. The Athabasca River, located near a tar sands production area, is the main water source for residents in the area. However, due to the tar sands, there is brown residue in the water. Fish in this region have also been contaminated with mercury and toxic cancer-causing chemicals.⁴⁹ In the Fort Chiewyan First Nation, downriver from a tar sand facility, the moose livers that they harvest are enlarged and white spotted.⁵⁰ One study declared that some moose meat in this area had 453 times the level of arsenic that was considered acceptable. When the Alberta government investigate these arsenic levels, they stated that they were "only" 17 to 33 times greater than acceptable levels. Such arsenic leads to increase levels of cancer.⁵¹⁵²



Oil sands open pit mining

⁴⁵ "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

⁴⁶ Feldman, Stacy. "Anti-Tourism Oil Disaster Billboards Debut in Four U.S. Cities." *Solve Climate Daily Climate News and Analysis* (2010): n. pag. Web. 3 Aug 2010. <<http://solveclimate.com/blog/20100714/anti-tourism-oil-disaster-billboards-debut-four-u-s-cities>>.

⁴⁷ "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

⁴⁸ Tait, Carrie. "Court gives Big Oil an escape clause allowing tailings ponds." *National Post* (2010): n. pag. Web. 5 Aug 2010. <<http://www.nationalpost.com/news/gets+tailings+ponds/3267499>>.

⁴⁹ "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

⁵⁰ "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

⁵¹ Feldman, Stacy. "Anti-Tourism Oil Disaster Billboards Debut in Four U.S. Cities." *Solve Climate Daily Climate News and Analysis* (2010): n. pag. Web. 3 Aug 2010. <<http://solveclimate.com/blog/20100714/anti-tourism-oil-disaster-billboards-debut-four-u-s-cities>>.

⁵² "British Columbia - Tanker Traffic Grows." *Canadian Tar Sands: What the Government Doesn't Want You to Know*. Wilderness Committee, 2008. Web. 21 Jul 2010. <<http://publications.wildernesscommittee.org/campaigns/wildlands/boreal/alberta/reports/Vol27No04/article1>>.

LOGGING

About 60% of Canada's temperate rainforest has already been destroyed and, if the rate of logging remains consistent, all of the unprotected, commercially valuable ancient temperate rainforests would be gone by 2020. So far, at least 22,000 square kilometers of British Columbia's rainforests have already been destroyed by the logging industry. According to Forest Ethics, "Logging in the Boreal releases half as much global warming pollution as all the vehicles in California (If California were a country, it would be the 10th largest contributor to global warming)." ⁵³

Twenty Canadian forestry companies and nine environmental organizations outlined a joint agreement that would cover an area bigger than France within the Canadian Boreal. The corporations who sign on are all members of the Forest Products Association of Canada. In this agreement, the companies will suspend any new logging in 29 million hectares of forest (equal to Montana) for a so-called three year "planning period." This agreement covers higher environmental standards for logging areas in remaining 43 million hectares of the Boreal and covers two-thirds of Canada's logging concessions. On the part of the environmental groups involved, they will end their "Do Not Buy" campaigns against these companies-- campaigns headed by ForestEthics, Greenpeace, and Canopy. Forest Campaign Coordinator of Greenpeace, Richard Brooks, states, "This is our best chance to save woodland caribou, permanently protect vast areas of the Boreal Forest and put in place responsible forestry practice. "Concerns from the public and the marketplace about wilderness conservation and species loss have been critical drivers in arriving at this agreement." In order for this agreement to be amended, local communities, provincial governments, and Canada's First Nations must agree with it. Many environmentalists have criticized this agreement. For example, Glenn Barry of Ecological Internet has stated, "

"More troubling, the agreement provides much-needed legitimacy to timber and pulp industry efforts to log much, if not all, of the remaining 43 million hectares of Canada's old growth boreal forests, and ultimately much of the caribou habitat after the moratorium lapses. The agreement uses fancy, meaningless words like "ecosystem-based" and "sustainable forest management" to describe first-time industrial logging of primary forests for toilet paper and other throw-away consumer items."

Environmental organization that signed to the agreement include: Canadian Boreal Initiative, Canadian Parks and Wilderness Society, Canopy (formerly Markets Initiative), the David Suzuki Foundation, ForestEthics, Greenpeace, Ivey Foundation, The Nature Conservancy, and the Pew Environment Group's International Boreal Conservation Campaign. The companies that signed the agreement include: AbitibiBowater, Alberta Pacific Forest Industries, AV Group, Canfor, Cariboo Pulp & Paper Company, Cascades Inc., DMI, F.F. Soucy, Inc., Howe Sound Pulp and Paper, Kruger Inc., LP Canada, Mercer International, Mill & Timber Products Ltd, NewPage Port Hawkesbury Ltd, Paper Masson Ltee, SFK Pulp, Tembec Inc., Tolko Industries, West Fraser Timber Co. Ltd, Weyerhaeuser Company Limited--all represented by the Forest Products Association of Canada. ⁵⁴

MINING

In the fall of 1991, following 13 years of searching, diamonds were discovered in the Northwest Territories. Three years later, Boeing 727 jets landing in this area. To produce a single one-carat polished, gem quality diamond, 250 tons of ore must be mined and processed. This is a massive feat, and even more difficult than usual in the Canadian Arctic. ⁵⁵

A recent report by the Commissioner for the Environment and Sustainable Development estimates that the worst abandoned mines in the North will cost at least \$550 million to clean up. ⁵⁶

Many case studies of abandoned mines are well-documented. Keno Hill Silver Mines, abandoned in 2000, contaminates local creeks within the Nacho Nyakj Dun First Nation with heavy metal laden water, draining directly out of the mine sites. In the Giant Mine, located in the Yellowknife community, four decades of gold production has resulted in 237,000 tonnes of arsenic dust, which had been collected and stored in underground chambers. The Eldorado Radium/Uranium/Silver Mine, located in the east shore of Great Bear Lake, mined uranium for atomic bomb projects until it closed in 1982. Recently, there were reported high rates of cancer and lung disease in the nearby Sahtu Dene community of Déline. The Pine Point Lead/Zinc Mine was also abandoned, and did not fill in their 43 open pit mines at the request of Local Chipewyan people after wards. Consequently, toxins leaked from the tailing ponds into Great Slave Lake. ⁵⁷

⁵³ "Earth's green halo." *Forest Ethics* n. pag. Web. 10 Aug 2010. <<http://www.forestethics.org/the-boreal-forest-the-facts>>.

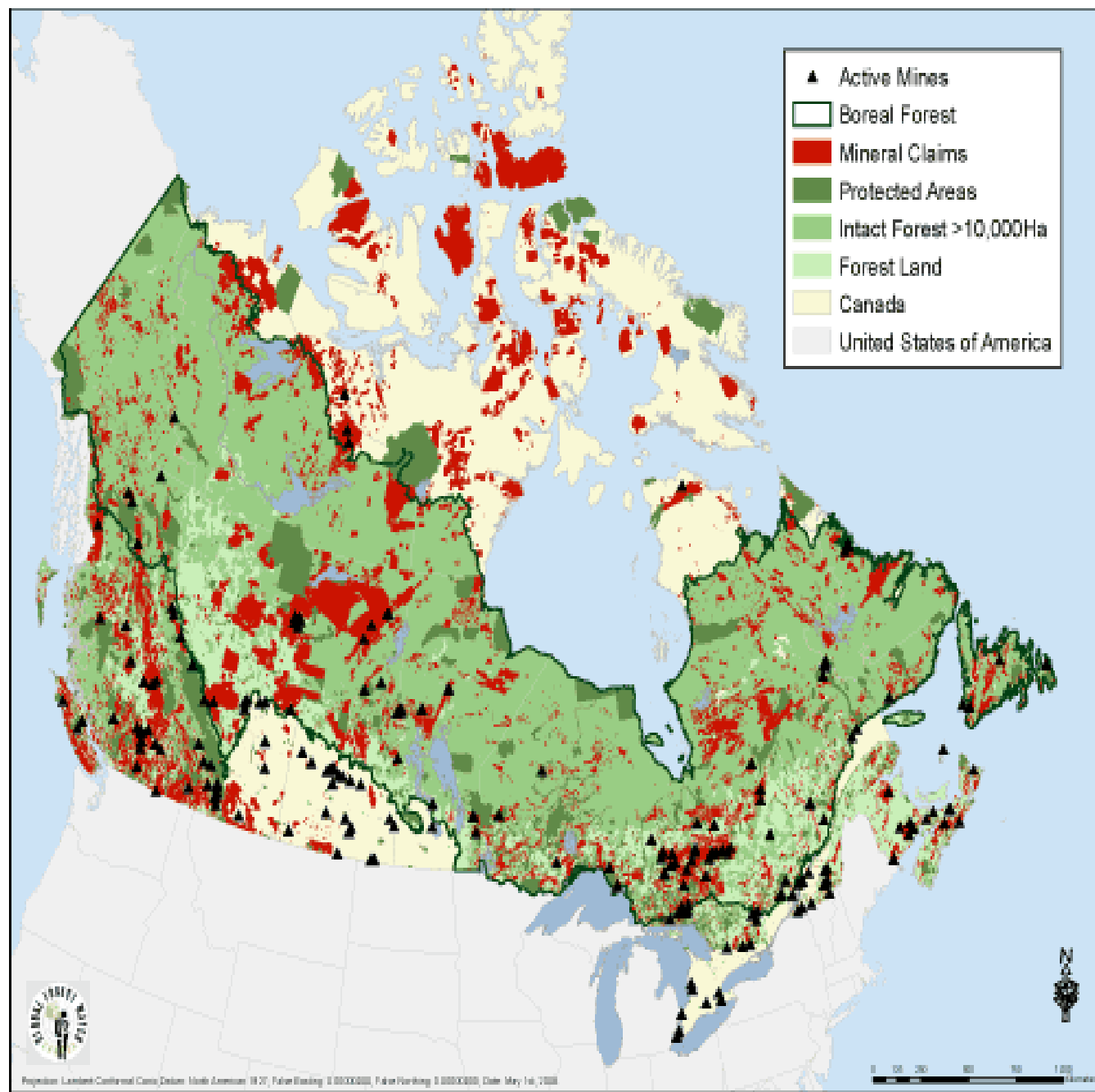
⁵⁴ Hance, Jeremy. "Big compromise reached on Canada's Boreal by environmental groups and forestry industry." *Mongabay Environmental News* (2010): n. pag. Web. 10 Aug 2010. <http://news.mongabay.com/2010/0519-hance_boreal_agreement.html>.

⁵⁵ Lundberg, Murray. "Diamonds in the Canadian Arctic." *Explore North* n. pag. Web. 10 Aug 2010. <<http://explorenorth.com/library/weekly/aa101599.htm>>.

⁵⁶ "Canadian Arctic Resource Committee." *CARC Mining and Sustainability Programme* n. pag. Web. 10 Aug 2010. <http://www.carc.org/mining_and_sustainability.php>.

⁵⁷ "The Case Studies." *Niche: Network in Canadian History & Environment* n. pag. Web. 10 Aug 2010. <<http://niche-canada.org/mining/case>>.

Mining claims in Canada operate under a free entry tenure system that was established over one hundred and fifty years ago. This tenure system places priority to mining claims over cultural values of indigenous groups and environmental protection. Consequently, mineral claims are granted without prior consultation in most of Canada. More mining is taking place in Ontario than in any other province in Canada. In some cases, First Nations leaders have been jailed for peacefully protesting mining exploration on their lands. The mining industry in Canada is also expanding heavily. Mining claims have doubled since 2004, leading to exploration activities covering more than 12,000,000 hectares of Quebec's territory.⁵⁸



⁵⁸ "Mining Report." *Interboreal Conservation Campaign*. Interboreal, 14 May 2008. Web. 10 Aug 2010. <http://www.interboreal.org/index.php?option=com_content&task=view&id=98&Itemid=197>.

Canadian Extractive Industries Abroad

According to Mostly Water, "Sixty percent of the world's mining corporations come from Canada. According to a report by InfoMine, Canadian mining corporations listed on the Toronto Stock Exchange had 1,010 projects in South America, 578 in Mexico, 703 in Africa, 376 in Asia and 345 in Australia, New Zealand and Papua New Guinea in 2009. Canada also accounts for 19 percent of global mining exploration spending, which totaled at \$13.2 billion. Gold, silver, copper and nickel are among the minerals the industry scours the globe for. In Canada the industry employs 193 registered lobbyists."⁵⁹

GUATEMALA: GLAMIS GOLD, MINING

After the Canadian company, Glamis Gold Ltd, was funded with a \$45 million World Bank loan to build a mine in Guatemala, indigenous groups protested by blocking roads leading to the building site in 2004 until this blockade was broken up by the military. Eleven people were injured and one person, Raúl Castro Bocel, was killed.⁶⁰ According to Intercontinental Cry, in June 2009, the Guatemalan government "said that it will suspend Goldcorp's Marlin mine in San Miguel Ixtahuacán to make way for a full investigation of the health, environmental, and human rights impacts of the controversial mine project." On June 23, 2010, Guatemalan President Alvaro Colom announced that he would suspend operations at the Marlin mine operated by Goldcorp Inc. after the University of Michigan and Physicians for Human Rights found mercury, copper, zinc, arsenic and lead in the blood and urine of inhabitants living near the mining project.⁶¹

ECUADOR: COPPER MESA MINING CORP, MINING

Carlos Zorrilla, director of Defensa y Conservacion Ecologica de Intag, had gone into hiding out of fear of repercussions from organizing against Canada's Copper Mesa Mining Corp. His case was investigated by the United Nations' high commissioner for human rights. Copper Mesa Mining Corp has also been accused of using paramilitaries to intimidate local anti-mining community members. Currently, both Copper Mesa and Toronto Stock Exchange are being sued by three Ecuadorians.

There is video evidence of "armed security forces" employed by Mesa Mining Corp pepper sprayed these local Ecuadorians before beginning to shoot at them in a wild fashion. They also accuse the Toronto Stock Exchange of raising money to finance paramilitaries in Ecuador.

EL SALVADOR: PAC RIM, MINING (More details about this company in the NAFTA Case Section)

In late 2009, a series of local activists against the project were assassinated - Marcelo Rivera (July 2009), Ramiro Rivera and his neighbor Felicita Echeverria Menjivar (December 2009), and Dora Alicia Sorto Recinos (December 2009). Pacific Rim has completely denied any connection between the recent assassinations of anti-mining activists and its proposed mining projects. The Salvadoran mainstream news is reporting these murders are the result of a family feud. El Salvadorian officials, however, link the attacks directly to El Salvador mining.⁶²

PAPA NEW GUINEA: BARRICK GOLD, MINING

Security guards working at a mine, owned by Barrick Gold, in Papa New Guinea were found guilty of gang raping local women. Sarah Knuckey, a lawyer at the center for human rights at New York University School of Law who testified in a parliamentary hearing in Ottawa, November 2009, stated, "'The guards, usually in a group of five or more, find a woman while they are patrolling on or near mine property. They take turns threatening, beating and raping her. In a number of cases, women reported to me being forced to chew and swallow condoms used by guards during the rape.'" Regarding this same mine, Amnesty International issued a public statement on December 9, 2009 that local police also violently evicted local families and burned down and destroyed at least 130 buildings and houses. After Amnesty International issued a Public Statement that the police activity that resulted in forced evictions, Barrick condemned this public statement as "ill conceived erroneous" and claimed that the buildings which had been burnt down were only temporary makeshift shacks and crude shelters inhabited by a transient population. Months later, Barrick acknowledged that the statements they had made were inaccurate.⁶³

CHILE: BARRICK GOLD, MINING

Chile's National Water Commission is attempting legal sanctions on Canada's Barrick Gold for failing to abide by Chilean environmental laws during construction of their Pascua Lama mine. Among the concerns of the National Water Commission was that the workers on this mine were not complying with Chilean transport rules, like covering vehicle cargo holds or moistening vehicle tires. Both these measures are designed to prevent dust emissions that would result in a glacier melt down. These glaciers are in close proximity to the proposed Pascua Lima site on the Argentine-Chilean border and supply water to 70,000 small farmers along the Huasco Valley. In response, Barrick Gold

⁵⁹ Mychalejko, Cyril. "Canada's Long Road to Mining Reform." *ACTivist Magazine* (2010): n. pag. Web. 10 Aug 2010. <http://www.activistmagazine.com/index.php?option=com_content&task=view&id=1120&Itemid=143>.

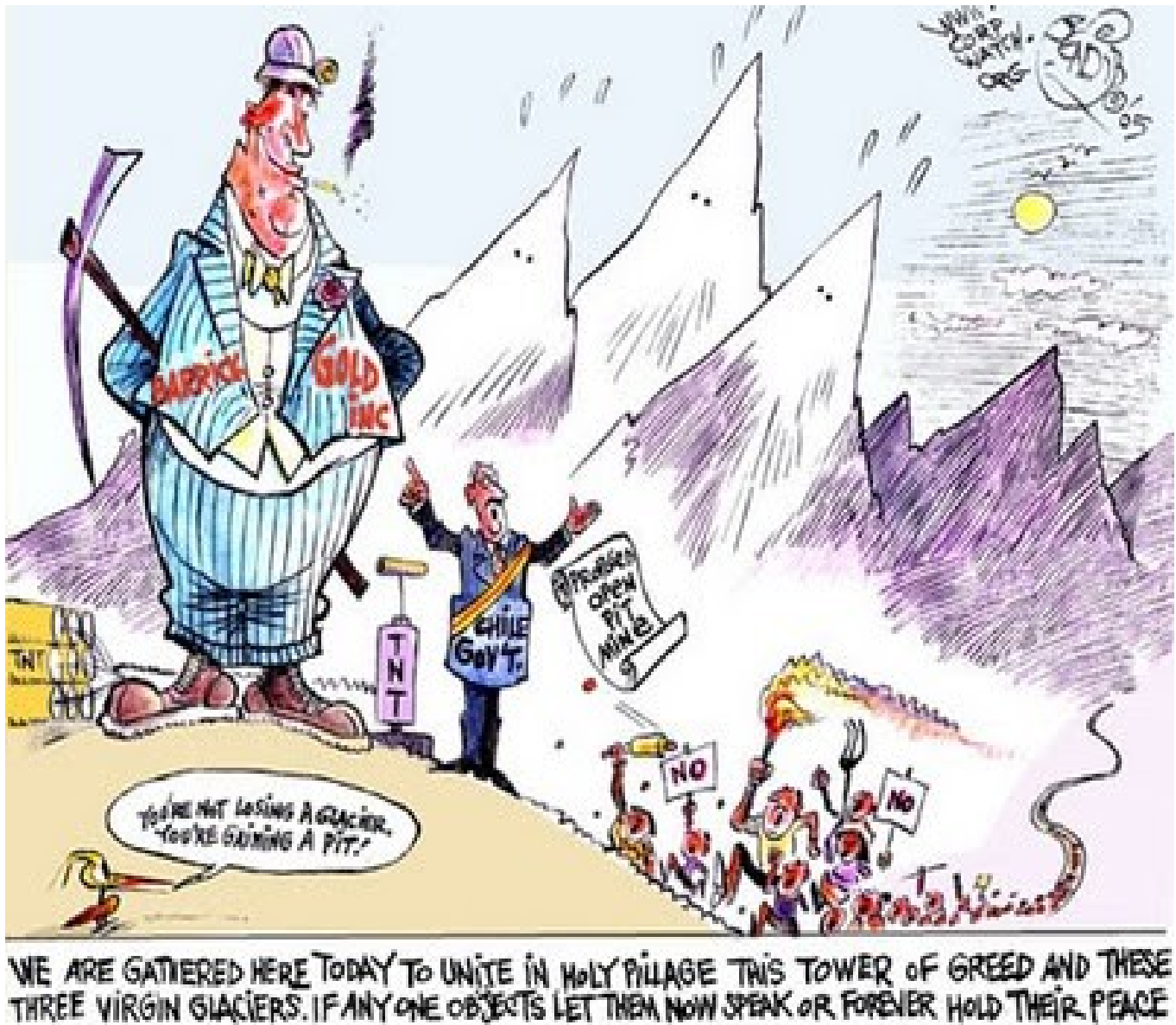
⁶⁰ "Why DeInvest from the World Bank?." *The Disinvest Campaign*. The DisInvest Campaign, n.d. Web. 10 Aug 2010. <<http://www.wbbeurope.org/why.html>>.

⁶¹ Ahni, . "Guatemala says it will suspend Goldcorp's Marlin mine." *Intercontinental City* (2010): n. pag. Web. 10 Aug 2010. <<http://intercontinentalcry.org/guatemala-says-it-will-suspend-goldcorps-marlin-mine/>>.

⁶² "Call-In Day: Tell Pacific Rim to get out of Cabañas!" *CISPES Committee in Solidarity with the People of El Salvador* (2010): n. pag. Web. 10 Aug 2010. <http://www.cispes.org/index.php?option=com_content&task=view&id=659&Itemid=27>.

⁶³ Fowler, James. "Government Study: Chilean Gold Mine Threatens Local Glaciers." *Protest Barrick* (2009): n. pag. Web. 10 Aug 2010. <<http://www.protestbarrick.net/article.php?id=556>>.

denied that they had been notified of such a legal proceeding, and issued the statement, "In the event of any legal proceedings we will fully comply and take necessary action."⁶⁴



UNITED STATES: KEystone XL PIPELINE

The Keystone XL pipeline, scheduled by TransCanada for construction in 2011⁶⁵, would carry tar sands from Alberta, Canada through Montana, along the border of North Dakota, into South Dakota, Kansas, Nebraska, Oklahoma, and end up in oil refineries in Texas.⁶⁶ Along the way, this pipeline would cut through Central and Mississippi staging areas for migratory birds.⁶⁷ The pipeline would cut across the Platte River habitat, a migration stop for the sand hill crane and a habitat for the endangered whooping crane.⁶⁸ The pipeline will also cut through one

⁶⁴ Fowler, James. "Government Study: Chilean Gold Mine Threatens Local Glaciers ." *Protest Barrick* (2009): n. pag. Web. 10 Aug 2010. <<http://www.protestbarrick.net/article.php?id=556>>.

⁶⁵ Jerke, Tyler. "Pipeline opponents protest in Rapid City." *Rapid City Journal* (2010): n. pag. Web. 3 Aug 2010. <http://www.rapidcityjournal.com/news/article_d26d796e-8ad0-11df-95c7-001cc4c002e0.html>.

⁶⁶ "Federal agency adds 90 days to Keystone XL process." *Bloomberg Business Week* (2010): n. pag. Web. 3 Aug 2010. <<http://www.businessweek.com/ap/financialnews/D9H7DJ6G4.htm>>.

⁶⁷ Jerke, Tyler. "Pipeline opponents protest in Rapid City." *Rapid City Journal* (2010): n. pag. Web. 3 Aug 2010. <http://www.rapidcityjournal.com/news/article_d26d796e-8ad0-11df-95c7-001cc4c002e0.html>.

⁶⁸ "Letters, 6/13: Don't risk water supply." *Journal Star* (2010): n. pag. Web. 3 Aug 2010. <http://journalstar.com/news/opinion/mailbag/article_69c1760a-7684-11df-b355-001cc4c03286.html>.

of the nation's largest clean water aquifers, the Ogallala Aquifer, which supplies clean water to about two million people.⁶⁹ Many indigenous groups have vocalized opposition to this pipeline because many Indian reservations are located on the proposed pipeline route. Higher levels of pollutants like ozone, carbon monoxide, and fine particulates will be injected into areas surrounding refineries in Houston and Port Arthur, Texas.⁷⁰ Among the species who will be effected by this pipeline include the pronghorn antelope in Montana, who are very sensitive to roads and human activity, the Mountain Plover, a species that had been proposed for listing as an Endangered Species, and the federally threatened Topeka Shiner of the native Kansas prairies.⁷¹

It is almost unquestionable that the Keystone XL pipeline will spill. Because pipeline will flow at 900,000 barrels per day, assuming predictions are accurate, TransCanada would have to detect, locate, and fix the leak in less than a second. "In Ogallala, the water is so close to the surface that any pipeline leak would almost immediately contaminate a large portion of the water." Within the environmental impact statement released by TransCanada, it is acknowledged that response to a leak would be an issue due to remote regions and commonly poor weather conditions along the pipe line trail. Indeed, the pipeline route crosses rivers in areas, particularly in Nebraska, that feature high seismic activity prone to earthquakes. For example, in 2002, a 4.3 magnitude earthquake stormed through Nebraska. Again in 2009 a 3.7 magnitude tremor struck the region.⁷²

In late June of 2010, a 41-year-old pipeline belonging to Canada's largest transporter of crude oil, Enbridge,⁷³ leaked and sent an estimated 819,000 gallons of crude oil into Talmadge Creek and Kalamazoo River. Although this is the spill currently monitored by their website, Enbridge's pipeline in North Dakota had also leaked in January 2010 and spilled 126,000 gallons of oil. In fact, according to Polaris Institute, an Ottawa-based advocacy group, Enbridge was responsible for releasing more than 5.5 million gallons of oil in 610 separate spills between 1999 and 2008. For instance, a 2006 spill by Enbridge poured 270,000 gallons on Alaska's North Slope. One year later, an Enbridge pipeline in Wisconsin caused 50,000 gallons of oil to ooze into the region. Again in 2009, 210,000 gallons of crude were unleashed from an Enbridge pipeline located in central Minnesota.⁷⁴ Given the track record of spills by this Canadian pipeline, the public and politicians vehemently oppose the creation of the Keystone XL pipeline to be built by TransCanada, another new company to blame for another oil spill.



Geese drenched in oil after a pipeline belonging to Enbridge, a Canadian company, ruptured and sent 800,000 gallons of oil downstream into the Kalamazoo River in Michigan.

⁶⁹ "Letters, 6/13: Don't risk water supply." *Journal Star* (2010): n. pag. Web. 3 Aug 2010.

<http://journalstar.com/news/opinion/mailbag/article_69c1760a-7684-11df-b355-001cc4c03286.html>.

⁷⁰ "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

⁷¹ "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

⁷² "Staying Hooked on a Dirty Fuel." *National Wildlife Federation* (2010): n. pag. Web. 3 Aug 2010. <http://www.nwf.org/News-and-Magazines/Media-Center/Reports/Archive/2010/~media/PDFs/Global%20Warming/Reports/NWF_TarSands_final.ashx>.

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⁷⁴ "Kalamazoo Spill Underscores Dangers of Proposed Tar Sands Oil Pipeline from Canada to Gulf Coast." *Root Force* (2010): n. pag. Web. 2 Aug 2010. <<http://www.enbridge.com/DeliveringEnergy/OurPipelines.aspx>>. p://www.rootforce.org/>.

NAFTA, DR-CAFTA, and Extractive Industries

PROPORTIONALITY CLAUSE

According to NAFTA's energy proportionality clause, Canada is forced to provide 2 units of export for every unit produced for domestic consumption. Although the Alberta Gas Resources Preservation Act requires a minimum of proven supply before natural gas can be exported from Alberta, this act is forfeited in order to adhere to the proportionality clause. Likewise, although Canada has committed itself to reducing emissions of carbon dioxide, this is not a possibility, given that most of their emissions come from producing fossil fuels.⁷⁵ According to a report produced by the Oil Sands Expert Group in 2006, the United States would have to drain all of Canada's projected oil production by 3.8 million barrels a day in order to replace the Persian Gulf alone.⁷⁶

COMMISSION FOR ENVIRONMENTAL CORPORATION

Based in Montreal, the Commission for Environmental Cooperation (CEC) was established in 1994 in a side agreement to the North American Free Trade Agreement to address fears that NAFTA would prompt businesses to leave the United States because of lax environmental enforcement elsewhere. Their primary function is to investigate complaints that trade advantages work at the environment's expense. After a review of the submission, the CEC may investigate the matter and publish a factual record of its findings, subject to approval by the CEC Council, which consists of the top environment official in each of the three NAFTA countries. The Citizen Submissions on Enforcement Matters mechanism enables the public to play an active role when a government appears to be failing to enforce its environmental laws effectively.⁷⁷

After it was alleged that Canada had failed to enforce the Migratory Bird Convention Act against logging companies, the Commission for Environmental Corporation launched an investigation. 250 pages documenting the results of this investigation were released on January 12, 2010. This investigation revealed that Canada has permitted the illegal destruction during clear cutting of 45,000 migratory birds annually in Ontario's forests. As a result, there have been projected habitat declines of up to 35% under Ontario's forest management plans for birds covered under the Migratory Bird Convention Act. Albert Koehl, a lawyer with Sierra Legal, has stated, "This investigation makes it absolutely clear that the federal government has in no way, shape, or form enforced Canadian law against logging companies to protect migratory birds – a law that was borne of a long-standing international treaty." This report had actually been completed on June 2006, but it was not until public pressure forced environmental minister John Baird to release this investigation four years later.⁷⁸

On April 24, 2008, an international coalition consisting of 20 groups and individuals demanded that the United States, Mexican, and Canadian governments "stop interfering" with the Commission for Environmental Corporations. According to their letter, the citizen submission process "has reached a critical point with its future threatened by ongoing political interference." They went on to say that the scope of CEC investigations was being limited to a narrow set of facts. Addressed in their letter were members of the CEC Council, including Canadian Environment Minister John Baird, U.S. EPA Administrator Stephen Johnson, and Mexican Environment Secretary Juan Rafael Elvira Quesada. In addressing the overbearing waiting period, these groups cited several examples, including:

"United States: Coal-fired power plants (SEM 04-005): There has been no vote to date on a factual record recommended in December 2005 relating to an allegation that the U.S. EPA is failing to enforce its Clean Water Act against power plants for mercury emissions contaminating shared water bodies.

Mexico: Lake Chapala II (SEM 03-003): There has been no vote to date on a factual record recommended in May 2005 relating to an allegation that Mexico is failing to enforce environmental laws to protect the Lerma-Chapala-Santiago-Pacifico basin.

Canada: Ontario Logging (SEM 02-001 and SEM 04-006) and Pulp and Paper (SEM 02-003): It took seven months before approval was given by the CEC in February 2007 the release of factual records, even though votes on publication are normally required within 60 days."⁷⁹

⁷⁵ Laxer, Gordon, and John Dillon. "Over a Barrel: Exiting from NAFTA's Proportionality Clause." *Over a Barrel*. Policy Alternatives, 05/2008. Web. 21 Jul 2010.
<http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2008/Over_A_Barrel.pdf>.

⁷⁶ Nikiforuk, Andrew. *Tar Sands: Dirty Oil and the Future of a Continent*. Vancouver, Canada: Greystone/David Suzuki Fdn, 2008. Print.

⁷⁷ "NAFTA Commission confirms Canadian failure to enforce wildlife law against logging companies." *EcoJustice* (2007): n. pag. Web. 10 Aug 2010. <<http://www.ecojjustice.ca/media-centre/press-releases/nafta-commission-confirms-canadian-failure-to-enforce-wildlife-law-against-logging-companies>>.

⁷⁸ "NAFTA Commission confirms Canadian failure to enforce wildlife law against logging companies." *EcoJustice* (2007): n. pag. Web. 10 Aug 2010. <<http://www.ecojjustice.ca/media-centre/press-releases/nafta-commission-confirms-canadian-failure-to-enforce-wildlife-law-against-logging-companies>>.

⁷⁹ "Canada, U.S., Mexico Accused of Interference with NAFTA Watchdog." *Environment News Service* (2008): n. pag. Web. 10 Aug 2010.

INVESTOR PROTECTION CLAUSE

NAFTA's investor protections allows for what is called "investor-to-state" dispute resolutions where private investors and corporations can sue the governments of Mexico, Canada, and the United States for monetary compensation. This compensation comes in the form of taxpayer dollars from the losing government's treasury.

NAFTA Article 1110 grants foreign investors compensation for any indirect or direct expropriation. NAFTA Article 1102 mentions a "national treatment" provision, meaning governments must treat foreign investors as they would treat their domestic investors. NAFTA Article 1103 calls for "most favored nation treatment", meaning the governments must give Mexican, Canadian, and United States investors the best possible treatment given to investors. NAFTA Article 1105 contains a "minimum standard of treatment" provision, and this means that the treatment of investors must follow standards of international law, including "fair and equitable treatment and full protection and security." NAFTA Article 1106 outlaws "performance requirements."

NAFTA disputes are taken to special tribunals with representatives from the NAFTA signatories. Even if the corporation is only asked to follow the same standards as domestic companies, if this regulatory measure causes this company to lose profit, they can seek NAFTA tribunals for lost profit compensation. To handle this investor to state disputes, NAFTA uses a resolution system under the auspices of the World Bank and another operating under the auspices of the United Nations. This cases are strictly confidential.⁸⁰

DOMINICAN REPUBLIC CENTRAL AMERICAN FREE TRADE AGREEMENT

The Dominican Republic Central American Free Trade Agreement (DR-CAFTA) signed into law in 2005. It included Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic, the only country in this trade pact not in Central America. The Central American-Dominican Republic Free Trade Agreement includes a Chapter 10 that contains provisions similar to NAFTA's Chapter 11 investor rights where in corporations can sue national governments for instituting laws that cause profit loss. Also like NAFTA, tribunals that meet to decide if profit loss has occurred meet of view of the public. The specific names of the members taking part in the tribunals are not openly publicized.⁸¹



NAFTA/DR-CAFTA CLAIMS

METHANEX, CANADA: GASOLINE NAFTA CASE

Methanex, challenged California's right to ban the gasoline additive MTBE, which had leaked from underground gasoline storage tanks and polluted drinking and surface water throughout the state. Under the pretense that this caused Methanex to lose profit, they used NAFTA to sue California for \$1 billion. The tribunal ruled that Methanex's claims were outside NAFTA's jurisdiction because California's MTBE ban did not have a significant relationship to the firm's methanol production.⁸²

<<http://www.ens-newswire.com/ens/apr2008/2008-04-24-02.asp>>.

⁸⁰ "NAFTA Chapter 11 Investor-to-State Cases: Bankrupting Democracy." *Trade Observatory* (2001): n. pag. Web. 10 Aug 2010.

<<http://www.tradeobservatory.org/library.cfm?refID=25342>>.

⁸¹ "CAFTA: Part of the FTAA Puzzle." *Public Citizen* n. pag. Web. 14 Aug 2010. <<http://www.citizen.org/trade/cafta/>>.

⁸² "Responsible Trade: The North American Free Trade Agreement." *the Sierra Club* (2010): n. pag. Web. 5 Aug 2010.

MERRILL-RING, US: LOGGING NAFTA CASE

In September 25, 2006, Merrill & Ring Forestry LP filed its claim through NAFTA, citing loss and damage of private ownership and unfair restriction on the export of logs.⁸³ These alleged restrictions included a requirement that any of British Columbia's exports be subject to a log surplus testing procedure. Merrill & Ring Forestry LP said that these regulations violated NAFTA Article 1102 (national treatment), Article 1103 (more favored nation treatment), Article 1105 (minimum standard of treatment), and Article 1106 (prohibition on performance requirements) and Article 1110 (expropriation).⁸⁴ This case is still pending.

ABITIBIBOWATER, US: LOGGING NAFTA CASE

When AbitibiBowater Inc, a US incorporated pulp and paper manufacturer, failed to clean up the industrial site the company once owned in the province, Canada canceled its water and hydroelectric contracts and agreements. Abitibi was required to submit a remediation plan by January 15, 2010, and clean up or "remediation actions" were to be completed by January 15, 2011. Due to the cost of the cleanup, Abitibi filed a NAFTA complaint while asserting that the orders, based on the Canadian Environmental Protection Act, were part of a "campaign of retribution and harassment."⁸⁵ This case is currently pending.

BILICON, US: MINING NAFTA CASE

Bilicon, a United States company seeking to build a quarry on Digby Neck, Canada, claimed the environmental review process and necessary environmental impact statement was discriminatory under Chapter 11 of NAFTA. Some of the expected environmental impact information Bilicon refused to disclose included protecting whales in the Bay of Fundy. However, as Canadian Green Party leader Elizabeth May affirmed, the NAFTA tribunals do not focus on whether or not the company would harm the environment; instead, they ask, "Did the investor company experience a reduced expectation of profit?"⁸⁶ NAFTA replaces enforcement of environmental laws with enforcement of profit. As Dr. Janet Eaton, a participant in the Bigby Quarry assessment, had stated, "That this company can challenge the findings of a democratic environmental assessment adds impetus to the many voices calling for NAFTA to be reconsidered."⁸⁷ This case, also, is still pending.

GLAMIS GOLD, CANADA: MINING NAFTA CASE

A Canadian mining company, Glamis Gold Ltd, sued the United States for \$50 because the California law that, as they saw it, made them lose money because it required the holes created by open pit mining be "back filled." This law also demanded that the company bring the landscape back to its original form once it was completed. Under NAFTA's rules, this is unacceptable, because indirect expropriation and loss of future profit is unacceptable and the company should be compensated. This case was dismissed, but only because the tribunals and determined that Glamis Gold Ltd could still have made a considerable amount of profit even if they were required to back fill their open pit minds.⁸⁸

PAC RIM, CANADA: MINING CAFTA-DR CASE

On August 3, 2010, an international tribunal convened under the US-Central America-Dominican Republic Free Trade Agreement agreed to allow a suite originally brought by Pac Rim against El Salvador in 2008. In this case, Pac Rim seeks compensation because El Salvador did not allow the mining firm to operate a large gold mine, called El Dorado, that would contaminate Rio Lempa, El Salvador's largest rivers with cyanide ore. Pac Rim Mining Corp., a Canadian based multinational firm, did not even bother to complete the environmental study to obtain an operation permit. Instead, in 2007, a subsidiary of Pacific Rim Mining Corp in Cayman Islands challenged the Salvadoran government, threatening a CAFTA claim under the name Pac Rim Cayman LLC. This case will likely cost El Salvador, one of the hemisphere's poorest countries, millions of dollars simply to defend itself.⁸⁹

During a protest held against this case in Washington DC, Vidalina Morales, a community leader from El Salvador, stated the destruction that the gold mine would have brought to her area when she explained, "Most people in our town are subsistence farmers who get by on the little that they can grow. If our lands are destroyed and our water is contaminated, we cannot survive." In New York and Boston, there

<<http://www.sierraclub.org/trade/globalization/nafta.aspx>>.

⁸³ "Merrill & Ring v. Canada: More about NAFTA Ch. 11 Non-Discrimination Standards." *International Economic Law and Policy Blog*. World Trade Law, 2010. Web. 21 Jul 2010. <<http://worldtradelaw.typepad.com/ielpblog/2010/04/merrill-ring-v-canada-more-about-nafta-ch-11-nondiscrimination-standards.html>>.

⁸⁴ "Merrill & Ring Forestry L.P. v. Government of Canada." *Cases Filed Against Government of Canada*. United States Department of State, 2009. Web. 21 Jul 2010. <<http://www.state.gov/s/l/c29742.htm>>.

⁸⁵ Best, Chris. "Newfoundland Loses Latest Round Against AbitibiBowater Inc." *Court* 2010: n. pag. Web. 21 Jul 2010. <<http://www.thecourt.ca/2010/05/28/newfoundland-loses-latest-round-against-abitibibowater-inc/>>.

⁸⁶ Eaton, Janet M. "NAFTA Challenge - Digby Neck Quarry." *ViveleCanada* 02/007/2010: n. pag. Web. 21 Jul 2010. <<http://www.vivelecanada.ca/article/215545899-nafta-challenge-digby-neck-quarry>>.

⁸⁷ "NAFTA CHALLENGE BLATANT ATTEMPT TO INTIMIDATE CANADIAN GOVERNMENTS AND." *Sierra Club of Canada* 02/007/2008: n. pag. Web. 21 Jul 2010. <http://www.sierraclub.org/committees/cac/downloads/SCC_RELEASE_NAFTA_DIGBY.pdf>.

⁸⁸ "Responsible Trade: The North American Free Trade Agreement." *the Sierra Club* (2010): n. pag. Web. 5 Aug 2010. <<http://www.sierraclub.org/trade/globalization/nafta.aspx>>.

⁸⁹ "Pac Rim CAFTA Challenge of Salvadoran Environmental, Mining Safety Policies Given Go-Ahead by Tribunal." *Public Citizen* (2010): n. pag. Web. 5 Aug 2010. <<http://www.citizen.org/pressroom/pressroomredirect.cfm?ID=3175>>.

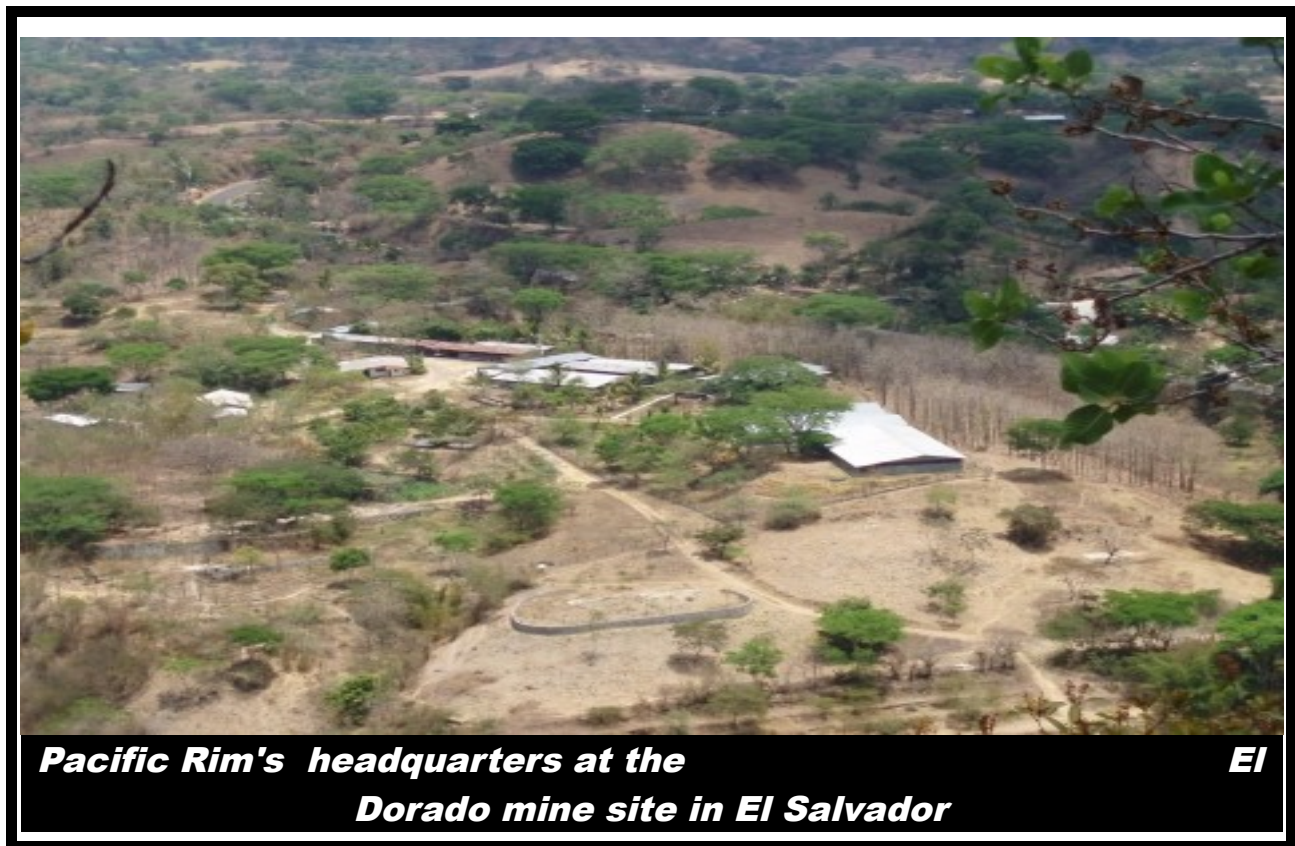
were demonstrations condemning the Canadian consulates in these areas and the Canadian government. In Washington, DC, the action was held in front of the offices of Crowell & Moring, the law firm representing Pacific Rim.⁹⁰

COMMERCE GROUP, UNITED STATES: MINING CAFTA-DR CASE

Commerce Group Corp. and San Sebastian Gold Mine Inc filed a Notice of Intent to File Claim under DR-CAFTA on March 16th, 2009 against the government of El Salvador for over \$100 in the potential profits they would have made from their mining project they were denied. Their license to mine in the San Sebastian gold mine had been revoked by the Ministry of the Environment and Natural Resources. Although Commerce Group claims that their license was revoked with no justification, an environmental study indicated the presence of metals like aluminum, zinc, iron, manganese, and nickel demonstrating the "presence of acidic drainage provoked by Commerce Group, which affected mainly women and children...60% of the population experiences symptoms of weakness, fatigue, lack of appetite, nausea, yellowed skin, rashes and mental confusion." Commerce Group is a corporation registered in the state of Wisconsin, and owns a controlling interest in San Sebastian Gold Mines, Inc, a corporation registered in the state of Nevada.⁹¹

USING NAFTA FOR GOOD? ENVIRONMENTALISTS FILE NAFTA TAR SANDS CLAIM

Environmental groups Environmental Defense Canada, Natural Resources Defense Council, and three citizens are now attempting to reform Canada's environmental policy through NAFTA. These groups claim that Canada has not enforced any of the anti-pollution rules that were transcribed to govern oil sands, such as not allowing toxic tailing ponds to leak and contaminate ground water. Matt Price, policy director at Environmental Defense Canada, states his goal in challenging NAFTA is to "embarrass the Canadian government into trying to enforce its law by having Mexican and US officials essentially poring [sic] over our dirty laundry, which is not something Canada wants." In order for the submission to even be taken into consideration, two out of three members of NAFTA's environmental side body, which consists of Mexico, the United States, and Canada, must first approve the submission. If the case is approved, it will take up to three years to settle. In the meantime, residents in small settlement on Lake Athabasca, downstream from the energy project in northern Alberta, suffer from unusually high rates of cancer linked to the contaminated water.⁹²



⁹⁰ "Lawsuit against El Salvador under U.S. trade agreement draws sharp criticism." *Committee In Solidarity with the People of El Salvador* 28 May 2010: n. pag. Web. 5 Aug 2010. <http://www.cispes.org/index.php?option=com_content&task=view&id=712&Itemid=98>.

⁹¹ "Pacific Rim Officially Files Suit Against Salvadoran Government ." *US-El Salvador Sister Cities* (2010): n. pag. Web. 14 Aug 2010. <http://elsalvadorsolidarity.org/joomla/index.php?option=com_content&task=view&id=225&Itemid=65>.

⁹² "Green groups launch NAFTA Action on Canada Oil sands." *Reuters Environmental Online Report* April 2010: n. pag. Web. 21 Jul 2010. <<http://www.mnn.com/earth-matters/wilderness-resources/stories/green-groups-launch-nafta-action-on-canada-oil-sands>>.

CAMPAIGN PROPOSALS

OPPOSE THE PAC RIM NAFTA CASE

By joining with the NY Committee in Solidarity with the People in El Salvador, we could protest against the Pac Rim NAFTA case and address the horror within NAFTA's investor rights with the goal of forcing Pac Rim to drop this case.

OVERVIEW

On August 3, 2010, an international tribunal of the Central American Free Trade Agreement agreed to allow a suite brought by Pac Rim against El Salvador in 2008. CAFTA, like NAFTA, includes special rights for foreign investors that can be enforced by so-called "investor-state" tribunals. In this case, Pac Rim seeks compensation because El Salvador did not allow the mining firm to operate a large gold mine, called El Dorado, that would include cyanide ore processing in Rio Lempa, El Salvador's largest rivers. Pacific Rim Mining Corp., a Canadian based multinational firm, did not even bother to complete the environmental study to obtain an operation permit. Instead, in 2007, a subsidiary of Pacific Rim Mining Corp in Cayman Islands challenged the Salvadoran government, threatening a CAFTA claim under the name Pac Rim Cayman LLC. This case will likely cost El Salvador, one of the hemisphere's poorest countries, millions of dollars simply to defend itself. This is the first environmental case filed through CAFTA.⁹³

TACTICS AND STRATEGIES

During a protest held against this case in Washington DC, Vidalina Morales, a community leader from El Salvador, stated the destruction that the gold mine would have brought to her area when she explained, "Most people in our town are subsistence farmers who get by on the little that they can grow. If our lands are destroyed and our water is contaminated, we cannot survive."

In New York and Boston, there were demonstrations condemning the Canadian consulates in these areas. In Washington, DC, the action was held in front of the offices of Crowell & Moring, the law firm representing Pacific Rim.⁹⁴

"In Seattle, dozens of demonstrators marched from Westlake Plaza to the office of Rep. Jim McDermott (D-WA) on Thursday afternoon to protest the Congressman's ongoing refusal to endorse a trade policy reform bill currently before the Congress, and to disrupt a press conference held by Pacific Rim Mining Corporation honoring McDermott for his support of free trade."⁹⁵

Because the primaries are approaching in New York, this would be a good opportunity to demonstrate near areas where Rangel is campaigning to protest his ongoing refusal to endorse the TRADE Act or the Bill to Repeal NAFTA, which essentially means he does not condemn the investor right provisions in NAFTA nor the Pac Rim NAFTA case. This will help to bring special attention to our cause, as the media is paying special focus to Rangel, as well as make this issue local. In order to persuade Pac Rim to drop this case, we need as much opposition as possible. The more people know about this issue, the greater the opposition will be.

"Throughout the week leading up to the protest, hundreds responded to a CISPES Action Alert with phone calls and e-mails calling on Pacific Rim to "drop the suit!" Meanwhile, CISPES committees nationwide are using street theater, forums, presentations, and protests to begin the important work of educating supporters and community members about the threats posed to human life and the environment by the proposed mining projects in El Salvador."⁹⁶

Our group would mimic this same tactic – street theater, forums, presentations, and protests. They had managed to cause hundreds to respond to the case, and we can too. Working with CISPES on this work is extremely important because, while it appears they are indeed incorporating these tactics and strategies nationwide, they need to be brought to the New York area to make it a stronger campaign nationwide. Street theater would work very well for our group, because it does not cost money, we do not need to book a place to do it, and it captures the public attention with its entertainment value. All we need to do is make Pac Rim seem like a villain, there is serious havoc brought to their

⁹³ "Pac Rim CAFTA Challenge of Salvadoran Environmental, Mining Safety Policies Given Go-Ahead by Tribunal." *Public Citizen* (2010): n. pag. Web. 5 Aug 2010. <<http://www.citizen.org/pressroom/pressroomredirect.cfm?ID=3175>>.

⁹⁴ "Lawsuit against El Salvador under U.S. trade agreement draws sharp criticism." *Committee In Solidarity with the People of El Salvador* 28 May 2010: n. pag. Web. 5 Aug 2010. <http://www.cispes.org/index.php?option=com_content&task=view&id=712&Itemid=98>.

⁹⁵ "Protest disrupts Pacific Rim Mining press conference at Rep. McDermott's doorstep." *Seattle CISPES* (2010): n. pag. Web. 9 Aug 2010. <<http://seattlecispes.org/lang/en-us/archives/1170>>.

⁹⁶ Herrington, Cameron. "Demonstration at Pacific Rim Headquarters Kicks off CISPES's anti-mining campaign." *CISPES* (2010): n. pag. Web. 9 Aug 2010. <http://www.cispes.org/index.php?option=com_content&task=view&id=641&Itemid=87>.

image, and it will not be worth the potential compensation for NAFTA to lose share holders based on their image. As for presentations, forums, and protests, p should take place at universities and at high schools to gain more youth supporters, which will be highly beneficial for our group as a whole for the sake of diversity and bringing in their new ideas. Libraries, parks, and other locations willing to host events will also help to gain more supporters against this case. The wider the movement, the stronger our group will be for future campaigns and the more letters, faxes, emails, and telephone calls will be made against our target, Pac Rim. We can have a strong influence on Pac Rim because, as their website indicates by mentioning how they are helping the environment, they are concerned with seeming environmentally friendly. Their involvement in this case, as we will make clear, will not go unnoticed.

Our main goal would be to put direct pressure on Pac Rim. We would send postcards, emails, faxes, and we could organize an entire day or week spent making phone calls to Pac Rim in order to overwhelm them with opposition. There need to be more protests in New York, and we would organize with the New York Chapter of CISPES to make this happen.



OPPOSE THE COMMERCE GROUP NAFTA CASE

The case against Commerce group is very similar to the Pac Rim case, but would be much easier to campaign against because Commerce is a United States company.

DETAILS ABOUT THE CASE..

"Commerce Group Corp. and San Sebastian Gold Mines Inc. filed a Notice of Intent to File Claim under DR-CAFTA on March 16th, 2009 against the government of El Salvador for the "failure to permit mining activities in El Salvador." Commerce Group and San Sebastian are claiming that by denying the country exploitation permits the Salvadoran government has cost them over \$100 million in potential profits."⁹⁷

Background of Commerce Group...

"Commerce Group is a corporation registered in the state of Wisconsin, and owns a controlling interest in San Sebastian Gold Mines, Inc, a corporation registered in the state of Nevada. The companies began producing gold at the San Sebastian gold mine in 1968 and were awarded the exploitation concession for the mine in 1987. However, in 2006 that license was revoked by the Ministry of the Environment and Natural Resources. Commerce Group claims that their license was revoked "without justification or forewarning."

In fact, there is justification.

"If gold mines elsewhere are any indication, the mine in El Salvador could contaminate existing water supplies. Gold mines use cyanide heap leaching to extract gold from the ore. The process trickles cyanide-laced water down through piled up ore, pulling out the mineral as it filters through the heap. Mines elsewhere have leaked mercury, arsenic, zinc and aluminum, along with cyanide, into the ground water. The town of San Sebastian in eastern El Salvador continues to suffer from hazardous materials produced by a nearby mine operated from 1950 to the 1981 by the Commerce Group Corporation."⁹⁸

CAMPAIGN:

Salvadoran President Mauricio Funes had stated in his campaign that he would commit to not allowing mining in El Salvador, but has made no public statements about mining whatsoever since taking office. We need to write letters to him to remind him that he is not meeting his pledge, and dissatisfaction with his policy has reached as far as environmental groups and Salvadoran activist groups in the United States.

Education Specifics

The anti-mining movement in El Salvador is growing strong. They have been working with Farabundo Martí National Liberation Front (FMLN) legislators to propose revisions to the current mining laws to restrict mining and provide more protection to affected communities. During the first week of June, the National Table Against Mineral Mining organized information sessions, press conferences, and mobilized a march against mining. They also got radio spots to explain the impacts of mining and the Commerce Group lawsuits, which are airing nationally. We could ask radio stations to talk about these cases as well in order to create awareness about CAFTA and this case. Editorials to newspapers will also have this same effect. According to Public Citizen, "the recent Pacific Rim ruling is so controversial that it could help fuel demands for reforms of international investment rules, not only in CAFTA-DR but also other U.S. trade agreements." When Americans learn that a United States company also seeks CAFTA for millions of dollars, and that these cases will not stop at Pacific Rim, their outrage over investor-rights in CAFTA will increase.

Educating people about the Commerce Group case means educating people on the horror of NAFTA and the devastating effect it can have on communities. By joining in solidarity with the National Table Against Mineral Mining to also organize information sessions, press conferences, and mobilized marches, we will make the campaign against NAFTA not simply about more jobs for Americans, but about the lives of those in El Salvador who would be hurt by mining projects such as the one led by Commerce Group.⁹⁹

Targeting Barrack Obama

"As a senator and on the presidential campaign trail, Barack Obama was critical of the existing trade and investment model. Obama opposed the CAFTA-DR because it 'does little to address enforcement of basic environmental standards in the Central American countries and the Dominican Republic.' In 2008, during his campaign, Obama committed to making changes in investment rules, responding to a questionnaire on trade policy saying that "with regards to provisions in several FTAs that give foreign investors the right to sue governments directly in foreign tribunals, I will ensure that foreign investor rights are strictly limited and will fully exempt any law or regulation written to protect public safety or promote the public interest.' However, the Obama White House is now pushing for congressional approval of several trade agreements negotiated by the Bush administration that contain investment rules nearly identical to those in CAFTA-DR.

The Commerce Group case demonstrates that CAFTA must be overturned, and that Obama has not gone through with his word to limit

⁹⁷ "Pacific Rim Officially Files Suit Against Salvadoran Government." *US El Salvador Sister Cities* (2010): n. pag. Web. 9 Aug 2010. <http://elsalvadorsolidarity.org/joomla/index.php?option=com_content&task=view&id=225&Itemid=65>.

⁹⁸ Dyer, Zach. "El Salvador Faces CAFTA Suit Over Mine Project." *North American Congress on Latin America* (2009): n. pag. Web. 9 Aug 2010. <<https://nacla.org/node/5499>>.

⁹⁹ "Pacific Rim Officially Files Suit Against Salvadoran Government ." *US-El Salvador Sister Cities* (2010): n. pag. Web. 14 Aug 2010. <http://elsalvadorsolidarity.org/joomla/index.php?option=com_content&task=view&id=225&Itemid=65>.

foreign investor rights. We should write and petition to Obama to ask him to publicly denounce the Commerce Group case as an example of abusing investor rights. Obama once understood the importance of criticizing these investor rights, and now that another election is coming up, he will understand it once again. ¹⁰⁰

Contact Information

Information about Commerce Group is available on their website and will be a vital part of our campaign, as we will right letters, send faxes, send petitions, and make phone calls to this corporation directly.

Commerce Group Corp.
6001 N. 91st Street
Milwaukee, WI 53225-1795
Phone: 414.462.5310
Fax: 414.462.5312
E-Mail: info@commercegroupcorp.com

Although the officers and directors are located in Utah, Wisconsin, and Nevada, a protest against this NAFTA case would also be a protest against CAFTA, and therefore could take place in areas of New York visited by Obama. Just as with Pac Rim, our main goal would be to put pressure on Commerce Group Corporation until they drop this case. This would mean faxes, postcards, emails, letters, and phone calls on a massive scale to this corporation and to Obama. The educational campaign will include editorials, radio airings, demonstrations, information sessions, and press conferences. This campaign could stand on its own or be included in the Pac Rim campaign as a general campaign against NAFTA investor rights. Commerce Group, like Pac Rim, is concerned with seeming environmentally friendly, as is seen in their website and claims they have made. We can have a strong influence on them by informing them that the implications of working against the environment will lose them share holders, as it has in the past for companies such as Barrick Gold.



¹⁰⁰ Perez-Rocha, Manual. "Mining for El Salvador's Gold - in Washington." *Truth Out* (2010): n. pag. Web. 14 Aug 2010. <<http://www.truth-out.org/mining-el-salvadors-gold-in-washington62244>>.

SUPPORT BILL C-300

Throughout our campaigns against Pac Rim and Commerce Group Corporation, we should support Bill C-300, the Corporate Accountability in the Canadian Mineral Extraction Bill.

BACKGROUND

The Corporate Accountability in the Canadian Mineral Extraction Bill, otherwise known as Bill C-300, is currently being considered by the Canadian parliament. This bill would impose sanctions on Canadian resource companies that violate human rights and environmental standards in foreign companies.¹⁰¹ With this bill, every citizen or resident of Canada, and every citizen or resident of a country in which Canadian mining company has or had operations, has the right to lodge a complaint with the Foreign Affairs or International Trade ministers, or both, and Canada will be obligated by law to conduct an investigation. Peter Foster writes, fearing what he perceives as great negative consequences of the bill, "Bill C-300 would open Canadian companies to an onslaught of accusations and investigations promoted by people whose fundamental stance is that mining activity should be stopped. The last thing [mining companies] need is to have the other hand tied behind their backs by government-funded anti-development Eco-fanatics."¹⁰² This statement highlights the extent proponents see free trade and the accumulation of wealth that comes with it as the direct result of lack of environmental standards.

According to Mining Watch, if passed, this bill will:

- “- put in place human rights, labor, and environmental standards that Canadian extractive companies receiving government support must live up to when they operate in developing countries;
- create a complaints mechanism that will allow members of affected communities abroad, or Canadians, to file complaints against companies that are not living up to those standards;
- create a possible sanction for companies that are found to be out of compliance with the standards, in the form of loss of government financial and political support.”¹⁰³

LEGISLATIVE PROGRESS OF C-300

Bill C-300 goes to a vote in the House of Commons in September or October. The vote is expected to be very close.

Bill C-300 passed second reading in the House of Commons in April 2009 (in a 137 to 133 vote) and is now being reviewed by the Standing Committee on Foreign Affairs and International Development. If accepted by the majority of the committee's members, it will return to the House of Commons for third and final reading.¹⁰⁴

Said McKay: "With the third reading vote approaching I am encouraged by the overwhelming support I have received both here in Canada and from abroad. It is high time that Canada, as a significant player in the global mining industry take the lead in promoting corporate social responsibility by passing the Responsible Mining Bill"¹⁰⁵

Barrick Gold is a major critic of this bill

Barrick Gold Corp. (TSX:ABX), Goldcorp Inc. (TSX:G) and Kinross Gold Corp. (TSX:K) say Bill C-300 is "unnecessary and damaging to Canadian business."

Barrick Gold Corp. spokesman Vince Borg told the committee Thursday the very testimony that it has unearthed demonstrates the risks to mining companies of an open-ended complaints-and-investigation process.

"Our industry is often confronted with false allegations of misconduct in countries in which we operate," said Dina Aloï, Goldcorp Inc.'s vice-president of corporate social responsibility. "Regardless of merit, once made, allegations have lasting impact on our industry's

¹⁰¹ Hoffman, Andy, and Gloria Galloway. "Officials cite environmental infractions for temporary closing of barite operation; deny action has any connection to slaying of activist." *Globe and Mail* (2010): n. pag. Web. 23 Jul 2010. <<http://www.minesandcommunities.org/article.php?a=9719>>.

¹⁰² Foster, Peter. "Peter Foster: 'Kill the Avatar bill!'." *National Post* (2010): n. pag. Web. 23 Jul 2010. <<http://network.nationalpost.com/NP/blogs/fpcomment/archive/2010/03/09/peter-foster-kill-the-avatar-bill.aspx>>.

¹⁰³ "Urgent Action: Support legislation to impose standards on Canadian government support for mining companies operating internationally." *MiningWatch Canada* (2010): n. pag. Web. 9 Aug 2010. <<http://www.miningwatch.ca/en/urgent-action-support-legislation-hold-canadian-mining-companies-account-abuses-overseas>>.

¹⁰⁴ "ACTION ALERT: Support Bill C-300 to hold Canadian mining companies accountable." *Council of Canadians* (2009): n. pag. Web. 9 Aug 2010. <<http://www.canadians.org/campaignblog/?p=2378>>.

¹⁰⁵ "Third Reading Vote for the Responsible Mining Bill to take Place in the Fall." *Honourable John McKay* (2010): n. pag. Web. 9 Aug 2010. <http://www.johnmckaymp.on.ca/newsshow.asp?int_id=80656>.

MEDIA CAMPAIGN AGAINST C-300

“Anti-C-300’ pamphlets, buttons and large signs were everywhere at the 2010 Prospectors and Developers Association of Canada’s (PDAC’s) annual convention, as Canadian mining industry groups turn the heat up in efforts to block the controversial legislation.

We hold a special influence during this campaign because the campaign led by Protest Barrick, for example, has cost Barrick Gold shareholders. When we target corporations who oppose this bill, we should make it clear that supporting this bill will in fact make them seem more environmentally friendly and more sound, ultimately, as a company. Supporting this bill, as we have the power to make clear to them, will work in their favor given the marketability found in the green movement.

“PDAC is calling on industry stakeholders to write to MPs, urging them to vote against the bill. Parliamentary secretary David Anderson, who voted against the bill in the April 2009 vote, said on Monday he will continue to oppose the legislation. Canada’s new Minister of Natural Resources, Christian Paradis, also voted against the bill.”

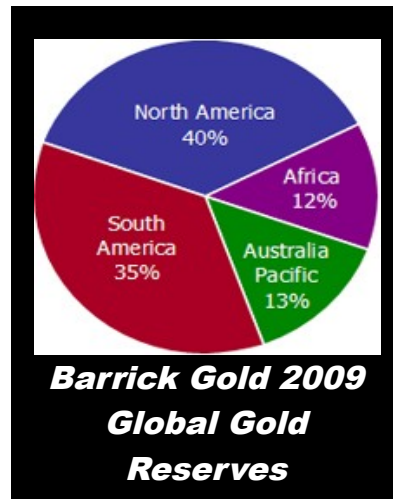
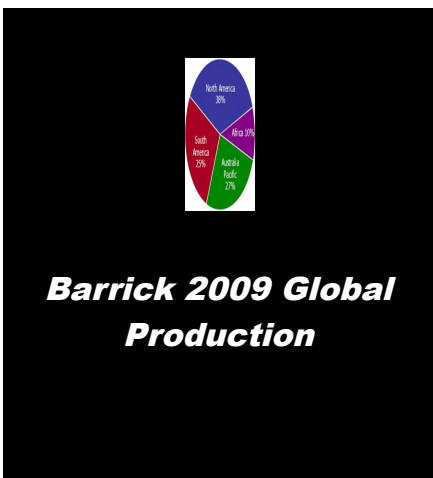
We need to engage in media initiatives and phone call and letter writing campaigns to make the support for this bill louder than the opposition, while painting the opposing forces (the industries) as the enemies of human and environmental rights. ¹⁰⁷

Supports of this Bill: ACAT-CANADA, Africa Files, Amnesty International, Atlantic Regional Solidarity Network, Shawn Atleo, National Chief, Assembly of First Nations, Canadian Catholic Organization for Development and Peace, Canadian Council for International Cooperation (CCIC), Canadian Labour Congress Canada Tibet Committee, Canadian Network on Corporate Accountability (CNCA), Cause Canada CEDHA, CoDevelopment Canada, Comité pour les droits humains en Amérique latine (CDHAL) Cordillera People’s Alliance (CPA), Ecojustice Canada, Entraide Missionnaire, The Evangelical Fellowship of Canada, Fredericton Peace Coalition, The Halifax Initiative, Horizons of Friendship Inter Pares, KAIROS - Canadian Ecumenical Justice Initiatives, Make Poverty History, Maquila Solidarity Network, MiningWatch Canada, United Church of Canada , Results Canada, United Steelworkers, Maquila Solidarity Network, The Maritime Conference of the United Church of Canada Mennonite Central Committee of Canada, North-South Institute, Public Service Alliance of Canada Rights and Democracy, Social Justice Committee of Montreal, World Vision

CAMPAIGN OVERVIEW:

Barrick Gold is a key opponent to Bill C-300, and so supporting Bill C-300 is also opposing Barrick Gold. Conveniently, it is also opposing Pac Rim. There is a draconian media campaign by industries to make out Bill C-300 to represent pure evil, and a media campaign in the opposite direction would serve to clarify that these companies, in fact, are unregulated evil promoted by free trade. If more Canadians knew about the human rights and environmental abuse committed by Barrick Gold and other Canadian companies, they too would oppose this bill. Furthermore, these companies are worried that this Bill will damage their image. We should make it clear that opposing this bill, also, damages their images by showing that they have human rights and environmental abuses to hide.

But Spring notes that the campaign supporting Bill C-300 has overshadowed a stronger legislation, the International Protection and Promotion of Human Rights Act, or Bill C-354. Proposed by New Democratic Party (NDP) MP Peter Julian, the bill would allow foreigners to sue Canadian companies in Canadian courts for human rights abuses, regardless of where the abuses take place. It replicates the United States’ Alien Tort Claims Act, which survivors of torture in other countries have used to sue their torturers in US courts.



¹⁰⁶ "Mining companies deny abuses." *Star* (2009): n. pag. Web. 9 Aug 2010. <<http://www.thestar.com/news/canada/article/731559--mining-companies-deny-abuses>>.

¹⁰⁷ Hill, Liezel. "Canadian miners ramp up PR campaign against controversial bill ." *Mining Journal* (2010): n. pag. Web. 9 Aug 2010. <<http://www.mining-journal.com/reports/pdac-president-attacks-damaging-c-300-bill>>.

OPPOSE THE KEYSTONE XL PIPELINE

Trade Justice should join the many environmental groups already waging campaigns against the creation of the Keystone XL pipeline, which would expand the dirty tar sands industry in ways guaranteed by NAFTA's proportionality clause.

TAR SANDS AND NAFTA PROPORTIONALITY CLAUSE

As the tar sands project continues to cause massive ecological damage and environmental groups gravitate to NAFTA for help, the proportionality clause within NAFTA guarantees that the tar sand industry continues at its current speed. In fact, according to NAFTA's energy proportionality clause, Canada is forced to provide 2 units of export for every unit produced for domestic consumption. Although the Alberta Gas Resources Preservation Act requires a minimum of proven supply before natural gas can be exported from Alberta, this act is forfeited in order to adhere to the proportionality clause in NAFTA. This clause states that Canada can cut exports to the United States only if it cuts the same proportion of supplies to Canadians. Likewise, although Canada has committed itself to reducing emissions of carbon dioxide, this is not a possibility, given that most of their emissions come from producing fossil fuels.¹⁰⁸ The proportionality clause demonstrates these intertwining ideals and grants both countries a doomed dependency on green house gas emission. According to a report produced by the Oil Sands Expert Group in 2006, the United States would have to drain all of Canada's projected oil production by 3.8 million barrels a day in order to replace the Persian Gulf alone.

Right now, the Keystone XL pipeline does not even seem essential, if tar sands imports to the United States remains the same. However, the tar sands industry is doomed to expand. Because of the proportionality clause, once it does expand, nothing can stop it and nothing can decrease the United States' dependency on the most environmentally destructive product known to earth. If Keystone XL is built, the number of tar sands exports will go from 800,000 barrels of tar sands per day to 1.1 million barrels a day by 2013.

POTENTIAL ENVIRONMENTAL IMPACTS

Already, mass removal of water required for tar sands extraction already causes loss of breeding habitats for hundreds and thousands of birds and the woodland caribou. 1,6000 migratory birds were killed in Syncrude's tailing ponds in 2008. Acid precipitation, river and lake contamination, and the feminization of turtles are caused by tar sand industries.

The Keystone XL pipeline will increase the environmental damage caused by the tar sands project. It will be built in staging areas for migratory birds, the Ogallala Aquifer, Indian reservations, habitats for Threatened species. In Houston and Port Arthur, Texas, where the tar sand refineries will be built, ozone, carbon monoxide, and fine particulates will be injected into the area. A Keystone XL spill would be inevitable because of poor weather conditions along the pipeline route and conditions in Ogallala that make water so close to the surface. The spills from pipelines owned by Enbridge, Canada's largest transporter of crude oil, number over 600.

50 federal legislators have already written to Secretary Clinton "...expressing concerns about the pipeline." Their letter, dated June 23, 2010, said, among other things: "We believe that a full life cycle assessment of the greenhouse gas emissions for tar sands would provide the Department of State with necessary information to determine whether issuing a presidential permit for the pipeline is consistent with the Administration's clean energy and climate change priorities. Numerous scientific studies have found tar sands oil to produce much higher life cycle greenhouse gas emissions than convention oil."

Representative Henry Waxman has sent along two more letters, one to Secretary Clinton, the other to the project manager at State for the pipeline. His office noted that "In the letters, Chairman Waxman emphasized that this pipeline is a multi-billion dollar investment to expand our reliance on the dirtiest source of transportation fuel currently available."¹⁰⁹

APPROVAL PROCESS

The State Department had scheduled a comment period to end Sept. 15 to determine if the pipeline is in the "national interest." It will now extend until 90 days after the State Department has issued an environmental impact statement on the pipeline. The department did not state when the environmental statement would be finished. However, according to Friends of the Earth, their decision will probably not be made until 2011.¹¹⁰

¹⁰⁸ Laxer, Gordon, and John Dillon. "Over a Barrel: Exiting from NAFTA's Proportionality Clause." *Over a Barrel*. Policy Alternatives, 05/2008. Web. 21 Jul 2010.

<http://www.policyalternatives.ca/sites/default/files/uploads/publications/National_Office_Pubs/2008/Over_A_Barrel.pdf>.

¹⁰⁹ Hewitt, Bill. "Of Pipelines and Tar Sands." *Climate Change the World Affairs Blog Network* (2010): n. pag. Web. 3 Aug 2010.

<<http://climatechange.foreignpolicyblogs.com/2010/07/08/of-pipelines-and-tar-sands/>>.

¹¹⁰ "Federal agency adds 90 days to Keystone XL process." *Bloomberg Business Week* (2010): n. pag. Web. 3 Aug 2010.

<<http://www.businessweek.com/ap/financialnews/D9H7DJ6G4.htm>>.

The Environmental Protection Agency already appears to be on the side of environmentalists.

On July 16th, the Environmental Protection Agency stated that Enbridge's environmental impact study was inadequate and should be revised.¹¹¹

The agency suggested greater scrutiny of the project's impact on greenhouse-gas emissions, air pollution, pipeline safety, wetlands and migratory-bird populations.¹¹²

There has already been a key success in this campaign

TransCanada has given into pressure and has abandoned its pursuit for thinner metal. This is a major success in the campaign against the Keystone XL pipeline. This pipeline sought a special permit to use a thinner pipe than normal in areas deemed "low consequence areas" and away from large population centers.¹¹³ Instead, on August 5, 2010, TransCanada yielded to pressure from activists and withdrew its application for this safety waiver, officially called a "special permit."¹¹⁴ This permit would have caused TransCanada to make more profit, and the fact that TransCanada has abandoned this goal for increased capital shows that vocalized pressure against TransCanada is already loud enough to have an effect.

ALLIES: GROUPS OPPOSED TO THE TAR SANDS PROJECT

American Bottom Conservancy, As You Sow, Calumet Project, Canadian Parks And Wilderness Society, Ceres, Clean Water Action, Communities for a Better Environment, Council of Canadians-Canada, Dakota Rural Action West, DirtyOilSands.org, Dogwood Initiative-Canada, Earthworks, Eco-Sol Consulting Inc., Ecojustice, Environment America, Environmental Defense-Canada, Environmental Law And Policy Center, Equiterre-Canada, ForestEthics, Friends of the Earth, Fresh Energy, Global Community Monitor, Green Century Capital Management, Inc., Greenpeace-Canada, Greenpeace UK, Honor The Earth, Indigenous Environmental Network, Minnesota Center For Environmental Advocacy, NRDC, Northern Plains Resource Council, Oil Change International, Pembina Institute, Plains Justice, Polaris Institute-Canada, Power Up Canada, RAN, Save Union County, LLC, Sierra Club-US, Sierra Club-Canada, Western Organization Of Resource Councils, National Wildlife Federation, Natural Resources Defense Council and Sierra Club.¹¹⁵

CAMPAIGN TACTICS AND STRATEGY

During a media campaign against this pipeline, which would feature letters to editors and fliers, we would make clear the direct link between tar sands and NAFTA's proportionality clause. We would also highlight the recent NAFTA claim filed by environmentalists. This case, as well as the NAFTA proportionality clause, should be highlighted to clarify the effect NAFTA has when it comes to tar sands and this pipeline. We would continue an already strong campaign against this pipeline by protesting against its construction. These protests would take place wherever Obama is touring, as his approval is necessary for the construction of this pipeline. Our protest should feature pictures of birds drowning in tar sands from the Enbridge spills. We would make comparisons to the BP oil spill, just as Corporate Ethics has done, because most people associate this image with the BP oil spill and need to begin relating it to tar sands. There would be educational seminars at universities, parks, and anywhere else where we are allowed to speak. We would pass out fliers and make phone calls to legislatures with the goal of ensuring that this pipeline is not built.



¹¹¹ "State Department delays decision on Keystone XL oil pipeline." *Argus Leader* (2010): n. pag. Web. 3 Aug 2010. <<http://www.argusleader.com/article/20100727/UPDATES/100727054>>

¹¹² Welsch, Edward. "UPDATE:EPA Calls For Further US Government Study Of Oil-Sands Pipeline ." *Dow Jones Newswire* (2010): n. pag. Web. 3 Aug 2010. <<http://online.wsj.com/article/BT-CO-20100721-713276.html>>.

¹¹³ Schultz, Abby. "Permit for Canada-Texas Oil Sands Pipeline under Extra Scrutiny." *Daily Climate News and Analysis* (2010): n. pag. Web. 3 Aug 2010. <<http://solveclimate.com/blog/20100615/permit-canada-texas-oil-sands-pipeline-under-extra-scrutiny>>.

¹¹⁴ "Canadian Pipeline Firm Calls Off Effort to Skirt Safety Standards." *Friends of the Earth* (2010): n. pag. Web. 5 Aug 2010. <<http://www.foe.org/canadian-pipeline-firm-calls-effort-skirt-safety-standards>>.

¹¹⁵ Lallanardo, Tony. "Dirty Tar Sands Draws Protests Around Nation." *Dirty Oil Sands* (2010): n. pag. Web. 3 Aug 2010. <http://dirtyoilsands.org/blog/article/dirty_tar_sands_draws_protests>

SUPPORT THE TRADE ACT

OVERVIEW

According to Public Citizen: “The TRADE Act requires a review of existing pacts, including NAFTA, and sets forth requirements for future pacts. It requires the Government Accountability Office (GAO) to conduct a comprehensive review of existing major trade pacts by June 10, 2010, including economic outcomes in the U.S. and abroad and various security, human rights, social and environmental indicators. It requires the president to submit renegotiation plans to Congress to remedy the gaps identified by the GAO between our current pacts and the criteria for good agreements listed in the bill prior to negotiating new agreements and prior to congressional consideration of pending agreements. “

ENDORSEMENT

Politicians:

147 members of the House are cosponsoring the TRADE Act, which was first introduced by Representative Mike Michaud. In 2009, over 350 organizations sent a joint letter to congress backing the TRADE act. There is a list available online of all the representatives who support the TRADE Act, and we should write and call them to make their support of this act even louder. All representatives who are not on that list can still be convinced to be on that list.

Groups who support the TRADE Act:

Public Citizen, AFL-CIO, Change to Win, Communications Workers of America (CWA), American Federation of State, County and Municipal Workers (AFSCME), International Association of Machinists and Aerospace Workers (IAM) International Brotherhood of Boilermakers, International Brotherhood of Electrical Workers (IBEW), International Brotherhood of Teamsters (IBT), International Union of Painters and Allied Trades, United Steelworkers (USW), Sierra Club, National Farmers Union, National Family Farm Coalition, UNITE-HERE, United Methodist Church General Board of Church and Society, Friends of the Earth, Public Citizen, Citizens Trade Campaign, Institute for Agriculture and Trade Policy Americans for Democratic Action

POINTS TO HIGHLIGHT DURING CAMPAIGN

Because the TRADE Act would require a review of NAFTA, Trade Justice should rally in support of the TRADE Act, through petitions, fliers, phone calls to legislatures, organized educational seminars, and our campaign should also address Chapter 11 of NAFTA as urgently in need of review. Due to NAFTA’s state investor protections, corporate investors in Mexico, Canada, and the United States have the right to challenge environmental policies and laws as NAFTA violations and potentially obtain cash compensations. ¹¹⁶We could cite cases, such as Bilicon vs. the [Government of Canada](#), [AbitibiBowater Inc.](#) vs. United States of America, as reasons to repeal NAFTA. Pac Rim against El Salvador, which NAFTA tribunals recently decided to take in, is an especially recent case that serves as a testimony to the need to repeal NAFTA. We could also phone call legislatures to specifically send their favor in the environment, as opposed to corporations who filed these claims, and ensure a victory for the environment.

In regards to opposing the TRADE Act, the proportionality clause should also be highlighted as a key component that must be removed from NAFTA. The proportionality clause in NAFTA demands that Canada may cut exports to the United States only if it cuts the same proportion of supplies to Canadians. The public should be made aware of the environmental damage caused by tar sands industries, of which the proportionality clause seems to require. Such environmental damage includes acid precipitation, river and lake contamination, and the feminization of turtles.

CAMPAIGN ACTION

In this campaign, we would target politicians who already support the TRADE Act to continue verbalizing their support, attempt to gain endorsement from politicians who have not supported the TRADE Act yet, and use phone calls, letters, faxes, and petitions to do so. We would also make the public aware of the gruesome features of NAFTA and CAFTA, such as the investor protection clause, with the hope that they too join us in our campaign to reform NAFTA and CAFTA and participate in making phone calls and sending letters, faxes, and signing petitions.

On the Public Citizen website, it says: “Contact James Ploeser at jploeser@citizen.org or 202-454-5111 to connect with local Citizens Trade Campaign staff and activists who arrange local meetings with congress people, protests and more.”

Certainly, meeting with congress people would be highly beneficial. After all, our goal in this campaign is to convince politicians to endorse the trade act, and meeting them directly would add to our chances of succeeding.

¹¹⁶ " NAFTA Chapter 11 Investor-to-State Cases: Bankrupting Democracy ." *Public Citizen*. Public Citizen, 2010. Web. 30 Jul 2010. < NAFTA Chapter 11 Investor-to-State Cases: Bankrupting Democracy >.

Ron Kirk

As United States Trade Representative (USTR), Ron Kirk serves as the President's principal trade adviser, negotiator and spokesperson. We must focus a lot of our campaign on him. Again, this will be in the form of phone calls, letters, emails, faxes, and petitions.

On August 6, 2010, Ron Kirk visited Verso Paper's Bucksport mill and participated in a discussion on the future of the free trade agreements. Here is an excerpt of the article on this from Congressman Mike Michaud's website:

"This morning, U.S. Trade Representative Ron Kirk joined Congressman Mike Michaud to visit with workers at Verso Paper's Bucksport mill to hear how U.S. trade policy has affected Maine's paper industry. The two were then joined in Bangor at noon by state officials, agriculture and aquaculture representatives, forest products representatives, trade and manufacturing experts, and workers affected by trade for a roundtable discussion on how trade policy can be improved so that it helps, not hurts, Maine.

'I am glad that Ambassador Kirk had the opportunity to hear directly from Mainers,' said Michaud. 'I think the message he got was clear. While we appreciate the Obama Administration's focus on increasing exports, it is not a complete strategy. Our businesses and our workers can't truly get ahead unless there is a level international playing field. Our current trade policy is failing them. But we have an opportunity to promote meaningful reform by pursuing a new trade model that boosts prosperity and security at home and around the world. I am hopeful that the Administration listens to the Mainers hurt by trade and stops pursuing more NAFTA-style trade deals.'¹¹⁷

Clearly, the fact that Ambassador Kirk has taken the time to meet with those opposed to free trade in person shows that he is aware of the political consequences of continuing to support free trade. We will ensure that he is aware just how many people oppose free trade by vocalizing our opposition and informing others through editorials and educational seminars at universities, libraries, and any and other available forums to add to the volume of the vocalized outcry against free trade.



Senator Sherrod Brown (D-Ohio) and Rep. Mike Michaud (D-Maine) introduced the Trade Reform Accountability, Development and Employment Act on June 4, 2008 and are pictured above on the podiums.

¹¹⁷ "Michaud Meets with U.S. Trade Rep. Kirk; Highlights the Need for Trade Reform ." *Congressman Mike Michaud* (2010): n. pag. Web. 15 Aug 2010. <http://www.michaud.house.gov/index.php?option=com_content&task=view&id=1097&Itemid=76>.

SUPPORT THE BILL TO REPEAL NAFTA

The bill spearheaded by Rep. Gene Taylor, a Mississippi Democrat, would require President Barack Obama to give Mexico and Canada six months notice that the United States will no longer be part of the 16-year-old trade pact.

CONSERVATIVE SUPPORT

The 28 diverse House members who are sponsoring this bill range from conservative, to moderate to leftist. This means that the opposition to NAFTA is strong, and if conservatives see some of the names attached to this bill as well as rightest organizations that support it, they will back us in our agenda to repeal NAFTA.

Quotes from the Council of Conservative Citizens:

“Opposing NAFTA was one of the first major issues of the CofCC, and an issue in the CofCC statement of principles. “

“As recently as 2008, conservatives were still being ridiculed by the left-wing media for calling for the repeal of NAFTA.”

And also from their website: “It’s encouraging to see left-wing Democrats co-opting one of our issues!” Going on the idea that Obama is a bipartisan man, our campaign will also include him, while highlighting the fact that both the right and the left want out of NAFTA. Surely he knows that opposing NAFTA is a popular choice-- he campaigned for it originally.

Chief of Staff Rahm Emanuel is aware of the political consequences for continuing to support the free trade policies of the Bush Administration and now the policies Obama seems to be endorsing. We will contact him, through emails, letters, faxes, petitions, and phone calls, to make it clear that allowing NAFTA to continue will isolate much of the public.

“Rep. Gene Taylor, who also serves on the House Armed Services Committee, called the 29 percent loss of jobs in US manufacturing since 1993 a matter of national defense and pointed to a number of companies who have moved their production to Mexico as cause for concern.”

BIPARTISAN EFFORT

However, for our campaign, the most important part is to convince representatives of all parties that supporting NAFTA will isolate voters. During election year, Republicans are expected to capture many seats in Congress. Obama may want to push more free trade agreements because he believes that free trade means bipartisanship. However, we will inform him that this is not true. The real bipartisan effort, in fact, comes from opposing free trade. If we manage to join with the right in supporting the Bill to Repeal NAFTA, having the names of leftist organizations next to organizations from the right will send this extremely powerful message directly to the Obama Administration.

CAMPAIGN SUMMARY

Allies would include any and all organizations that do not like free trade and want it to go away. Basically, all the other campaigns are based on the concept that NAFTA is horrible, due to proportionality clause, investor states provisions, and the means these sections in NAFTA are used, such as with the creation of the TransCanada pipeline. Therefore, any groups opposed to those actions, which are listed in the other campaigns, would inherently be opposed to NAFTA. Our tactic would be to link NAFTA to all these cases and rally groups opposed to tar sands and the abuse seen with Canadian mining industries and the investor protection clause, and thereby incorporate an anti-free trade agenda into their campaigns. This Bill also needs more cosponsors, and so we would make calls, send faxes, send letters, and send emails to gain more sponsors.



The main argument against NAFTA led by the right

CURRENT SPONSORS

Rep Taylor, Gene [MS-4] (introduced 3/4/2010)

Rep Arcuri, Michael A. [NY-24] – 3/4/2010

Rep Baca, Joe [CA-43] – 3/4/2010

Rep Bartlett, Roscoe G. [MD-6] – 3/4/2010

Rep Braley, Bruce L. [IA-1] – 3/4/2010

Rep Capuano, Michael E. [MA-8] – 3/4/2010

Rep Costello, Jerry F. [IL-12] – 3/4/2010

Rep DeFazio, Peter A. [OR-4] – 3/4/2010

Rep Filner, Bob [CA-51] – 3/4/2010

Rep Grijalva, Raul M. [AZ-7] – 3/4/2010

Rep Hare, Phil [IL-17] – 3/4/2010

Rep Hinchey, Maurice D. [NY-22] – 3/4/2010

Rep Jones, Walter B., Jr. [NC-3] – 3/4/2010

Rep Kagen, Steve [WI-8] – 3/4/2010

Rep Kaptur, Marcy [OH-9] – 3/4/2010

Rep Kildee, Dale E. [MI-5] – 3/4/2010

Rep Kissell, Larry [NC-8] – 3/4/2010

Rep Kucinich, Dennis J. [OH-10] – 3/4/2010

Rep Massa, Eric J. J. [NY-29] – 3/4/2010

Rep McIntyre, Mike [NC-7] – 3/4/2010

Rep Michaud, Michael H. [ME-2] – 3/4/2010

Rep Paul, Ron [TX-14] – 3/4/2010

Rep Schauer, Mark H. [MI-7] – 3/4/2010

Rep Stark, Fortney Pete [CA-13] – 3/4/2010

Rep Stupak, Bart [MI-1] – 3/4/2010

Rep Visclosky, Peter J. [IN-1] – 3/4/2010

Rep Wilson, Charles A. [OH-6] – 3/4/2010

Rep Woolsey, Lynn C. [CA-6] – 3/4/2010¹¹⁸

¹¹⁸ "Congress shocker. Democrats buck Obama, introduce bill to repeal NAFTA!" *Council of Conservative Citizens* n. pag. Web. 10 Aug 2010.

<<http://cofcc.org/2010/03/congress-shocker-democrat-blue-dogs-buck-obama-introduce-bill-to-repeal-nafta/>>.