



## **FFI RECOMMEND POSTPONING THE IRISH RATIFICATION OF THE CETA EU-CANADA TRADE DEAL**

Forest Friends Ireland has expressed our deep concern about the approach of the Irish Government to effectively slip through Ireland's ratification of the Comprehensive Economic and Trade Agreement (CETA) between the EU and Canada.

**We therefore call for the postponement of the Government's motion proposed for this Tuesday 15 December in the Dáil, for Ireland to ratify the agreement.**

The move to table the ratification motion so quietly in the last week of the Oireachtas amidst the focus on Brexit, the Covid-19 pandemic and Christmas, has caused considerable alarm.

It is absolutely unacceptable and undermines the fundamental trust on which democracy is based. Most of civil society are unaware of the Government's motion and its implications.

While we naturally respect the role and functioning of the Oireachtas, Ireland's parliament – we are also conscious of the deep controversy around this deal and the need for proper public debate and scrutiny. We therefore stand in solidarity with all those in Ireland calling for a postponement of the vote and a proper public debate.

We are not opposed to trade, recognising that Ireland is a small open economy, and we welcome the idea of good relations with other nations, including with Canada. However there has been sustained opposition from civil society in particular, to the terms of the CETA deal. In Ireland we have seen a truly unique coalition of opposition across Trade Unions, Farming and Small Business Organisations, standing shoulder to shoulder with environmental groups, global trade justice groups and other civil society organisations, to CETA and agreements like it.

This is particularly because of the investor protection provisions and the concerns on its provisions for investment settlement disputes with mechanisms like ICS a marginally reformed version of ISDS .

These concerns include the fear of the massive cost exposure to the Irish economy from claims – given Ireland's high level of Foreign Direct Investment. A further major concern is that the fear of claims, will create a chilling effect and a self-imposed restraint on regulation and policy making.

So while the CETA agreement does not impose any legal restraint on regulation – the effect of investor protection provisions in the CETA will in practical effect, result in exactly such control. This is particularly an issue in the field of climate action and environmental protection, which has massive public benefits to us all, and also critically in public health and workers' rights.

Earlier this year over 650 organisations from 90 countries signed a letter to Governments highlighting ISDS claims for measures Governments were taking to deal with the pandemic. The evident interest there is in the pursuit of such claims shows how ruthlessly any opening will be exploited and leveraged. Many States have left themselves vulnerable to such mechanisms – yet Ireland has very limited exposure currently just under the Energy Charter Treaty. However, this limited exposure changes significantly if it supports the ratification of CETA.

The vote on Tuesday is crucial as it facilitates the bringing into effect of these controversial provisions, following the ratification of CETA by each Member State. This is why the vote on Tuesday is so significant. Many States have not yet ratified the agreement yet, so there is simply no need for Ireland to rush to do so without proper public debate and scrutiny.

Ireland stands uniquely in the EU as an example that countries do not need to concede to such provisions in order to attract high levels of Foreign Direct Investment. To change Ireland's approach, with such profound implications for Ireland's economy and with such little public awareness or engagement on this motion, includes major risks.

Such ISDS-style claims can run into billions of Euro. At any time they would be significant, but following on the stress on the Irish economy from the banking crisis, Covid-19 and Brexit – the significant cost exposure for Ireland's economy and society warrants serious consideration public debate and scrutiny.

Ireland has been in 'Provisional Application' of part of the CETA agreement for a number of years now. But the contentious investor arbitration clauses, (ISDS/ICS), only come into effect following ratification by the Parliaments of all Member States. The EU Court of Justice explained this is because of the profound implications these provisions have for the role of national courts.

We understand this raises the gravest considerations under the Irish Constitution, as do further implications of the agreement. The tabling of the Government motion to ratify CETA is thus unacceptable.

It is also likely to cause serious international embarrassment to Ireland, occasioned by its Government, in the event of a successful challenge to the Constitutionality of

a decision to ratify CETA decided by a Government majority, and imposed on the Oireachtas.

We call unequivocally on the Irish Government to remove the motions from the order of business for the ratification of the EU Canada Comprehensive Economic and Trade Agreement, (CETA) in particular, and also on the EU Canada Strategic Partnership Agreement, and to defer the tabling of any such motions until well into 2021, when there is a proper chance to give this matter the proper exchange of views and debate and transparency that befits Ireland's democracy.

Signed John Haughton

Chairman Forest Friends Ireland 13/12/2020