

Letter from Civil Society Regarding Investment Issues and UNCTAD

October 15, 2014

(Updated on October 21, 2014)

To:

Mukhisa Kituyi, Secretary General of the UN Conference on Trade and Development (UNCTAD)

Member States of UNCTAD

We the undersigned civil society organizations, representing constituencies from various regions of the world, write in concern about the implications of investment protection treaties on the prospects for sustainable development in our countries and regions.

Experience of both developing and developed countries has shown that the international investment protection regime, codified in a growing number of bilateral investment treaties (BITS) and investment chapters in free trade agreements, creates major impediments to sustainable development and the role of the state in protecting the public interest.

These challenges emerge out of both the imbalanced substantive provisions that these treaties set in place, as well as the problematic and expansive role of investor-state dispute settlement (ISDS). These tribunals, usually comprised of three private attorneys, are authorized to rule against public interest policies on the basis of broad foreign investor rights that surpass those afforded to domestic firms. The tribunals often order "compensation" to foreign corporations for the "expected future profits" that they believe were impeded by the challenged policies. There is no outside appeal. Many of these attorneys rotate between acting as tribunal "judges" and as the lawyers launching cases against the government on behalf of the corporations.

We have, in various fora, documented and highlighted many cases that reveal how the system encroaches on policy, regulatory and fiscal space. Through the dispute process, states' regulatory efforts in the areas of health, environment and climate change, financial stability, water, labor rights, and agriculture among other areas have been challenged, with billions of dollars of taxpayer money already awarded to corporations, and with many billions more still pending. These awards, alongside the excessive legal costs incurred by states in defending such cases, have created an increasing burden on the taxpayers of our countries. UNCTAD's monitoring of ISDS cases has made a significant contribution to the understanding of these problems. We have also been highlighting the severe implications of new trends fuelling ISDS, including third party funding and speculation over arbitral awards.

Our concerns take on a renewed importance given the ongoing negotiations on the Sustainable Development Goals (SDGs) and the post-2015 development framework. Indeed, transforming the approach toward investment rules is essential for improving the policy space in developing countries and providing the enabling environment for the pursuit of development-oriented national objectives. When geared towards the achievement of national development goals and in the right policy context, investment can be an important tool of development; yet as UNCTAD's TDR concludes "results do not support the hypothesis that BITS foster bilateral FDI."

We have welcomed the steps taken by several governments reviewing their policies on investment protection treaties, and seeking to find alternatives that do

not unduly restrict the space of host governments to regulate in the public interest.

We welcome the additional light that UNCTAD's Trade and Development Report (2014) has shed onto the growing restrictions on policy space resulting from the investment protection rules. The TDR rightly highlights the need for change including through terminating or renegotiating investment treaties, and seeking alternatives in domestic laws and judicial systems.

We also welcome the ongoing efforts taken by the International Investment Agreements (IIAs) Team in UNCTAD's Investment Division to support the formulation of investment policies and treaties that truly promote development.

We urge that the primary role of the Investment Division should be to provide the invaluable service to developing countries of increasing their knowledge of the impediments resulting from the unbalanced provisions of international investment treaties and in pursuing alternatives.

We urge greater coherence in the work of UNCTAD's various divisions on these issues, through aligning their work with the long-established development perspective established over more than 30 years in UNCTAD's Trade and Development Report.

Sincerely,

<i>International Organizations and Networks</i>		
1.	ActionAid International	ActionAid International is an international organisation, working with over 15 million people in 45 countries for a world free from poverty and injustice.
2.	Association for Women's Rights in Development	The Association for Women's Rights in Development (AWID) is an international, feminist, membership organization committed to achieving gender equality, sustainable development and women's human rights.
3.	Compassion in World Farming	Compassion in World Farming leads a growing worldwide movement of people concerned about how factory farming mistreats animals, wastes precious resources and utterly fails to meet the needs of the planet's inhabitants.
4.	Dignity International	Dignity International advocates with, connects, and supports the empowerment of deprived and struggling communities in claiming their human rights, and creating social justice around the world.
5.	Friends of the Earth International (FoEI)	FoEI is the world's largest grassroots environmental network, uniting 73 national member groups and some 5,000 local activist groups on every continent. With over 2 million members and supporters around the world, FoEI campaigns on today's most urgent environmental and social issues.
6.	IBON International	IBON initiates and implements international programs, develops and hosts international networks, initiates and participates in international advocacy campaigns, and establishes regional and country offices. IBON strengthens links between local campaigns and advocacies to international initiatives.
7.	International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF)	The IUF is currently composed of 385 trade unions in 123 countries representing a combined representational membership of over 12 million workers (including a financial membership of 2.6 million). It is based in Geneva, Switzerland.
8.	International Women's Anthropology Conference (IWAC)	An international network of women involved in anthropology and related fields whose research and activities center on issues of concern to women.

9.	LDC Watch	LDC Watch is a global alliance of national, regional and international civil society organisations (CSOs), networks and movements based in the Least Developed Countries (LDCs).
10.	Medical Mission Sisters	Medical Mission Sisters were founded in 1925 in Washington, D.C. Our Community started with just four members, from three different countries. Over time, hundreds more women from around the world joined us in our mission of healing presence to those in need.
11.	OpenMedia International	OpenMedia International brings the global pro-Internet community together, empowering people to participate in Internet governance through fresh and engaging citizens campaigns. We provide the Internet freedom movement with a platform to pressure leaders everywhere when bureaucrats and lobbyists threaten our digital future.
12.	Oxfam International	Oxfam is an international confederation of 17 organizations working together with partners and local communities in more than 90 countries.
13.	Pax Romana ICMICA	The International Catholic Movement for Intellectual and Cultural Affairs was created in 1947 and now has members in more than 54 countries from every continent, as well as several contact groups and individual members.
14.	People's Health Movement	The PHM is a global network bringing together grassroots health activists, civil society organizations and academic institutions from around the world, particularly from low and middle income countries (L&MIC) with a presence in around 70 countries.
15.	Public Services International (PSI)	Public Services International (PSI) is a global trade union federation dedicated to promoting quality public services in every part of the world. PSI brings together more than 20 million workers, represented by 650 unions in 150 countries and territories.
16.	RIPRESS - Intercontinental Network for the Promotion of Social Solidarity Economy	RIPRESS is an intercontinental network that connects social and solidarity economy networks throughout the world. As a network of networks, it brings together continental networks, which in turn bring together national and sectoral networks.
17.	Social Watch Network	Social Watch is an international network of citizens' organizations in the struggle to eradicate poverty and the causes of poverty, to end all forms of discrimination and racism, to ensure an equitable distribution of wealth and the realization of human rights.
18.	Society for International Development (SID)	The Society for International Development (SID) is a global network of individuals and institutions concerned with development, which is participative, pluralistic and sustainable, with a network of individual and institutional members and local chapters in more than 50 countries worldwide.
19.	Third World Network	Third World Network (TWN) is an independent non-profit international network of organisations and individuals involved in issues relating to development, developing countries and North-South affairs.
20.	Transnational Institute	The Transnational Institute (TNI) of Policy Studies carries out radical informed analysis on critical global issues builds alliances with social movements develops proposals for a more sustainable, just and democratic world.

Regional Organizations and Networks		
21.	Campaign2015+ International	Africa
22.	Global Network for Community Development	Africa
23.	Africa Development Interchange Network (ADIN)	Africa
24.	ARCADE	Africa

25.	Association Panafricaine d'Alphabétisation et d'Education des Adultes (PAALAE)	Africa
26.	Eastern Africa Farmers Federation (EAFF)	Africa
27.	Economic News Africa	Africa
28.	Third World Network Africa	Africa
29.	Southern and Eastern African Trade, Information and Negotiations Institute (SEATINI)	Africa
30.	Asia Pacific Research Network	Asia
31.	Asian Solidarity Economy Council (ASEC)/RIPESS Asia	Asia
32.	Corporate Europe Observatory (CEO)	Europe
33.	Delegation of PODEMOS in the European Parliament	Europe
34.	European Federation of Public Service Unions (EPSU)	Europe
35.	European Public Health Alliance (EPHA)	Europe
36.	Food & Water Europe	Europe
37.	Friends of the Earth Europe (FoEE)	Europe
38.	European Federation for Transport and Environment	Europe
39.	Asociación Latinoamericana de Medicina Social (ALAMES)	Latin America
40.	Consejo Sindical Unitario de América Central y El Caribe (CSU)	Latin America
41.	Friends of the Earth Latin America and Caribbean (ATALC)	Latin America
42.	Mesa de Coordinación Latinoamericana de Comercio Justo	Latin America
43.	Movimiento Mesoamericano contra el Modelo extractivo Minero (M4)	Latin America
44.	Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD Regional)	Latin America
45.	Red de Educación Popular Entre Mujeres de América Latina y el Caribe (REPEMLAC)	Latin America
46.	Trabajadores del Estado y los Servicios Públicos	Latin America
47.	Arab NGO Network for Development (ANND)	Middle East
48.	The Gulf Economic Association	Middle East
49.	International Brotherhood of Teamsters	North America
50.	Pacific Network on Globalisation (PANG)	Pacific

National Organizations and Networks		
51.	Social Watch Afghanistan	Afghanistan
52.	Federación Argentina de Empleados de Comercio y Servicios (FAECYS)	Argentina
53.	Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO)	Argentina
54.	Center for the Development of Civil Society (CDCS)	Armenia
55.	Australian Fair Trade and Investment Network (AFTINET)	Australia
56.	National Tertiary Education Union, Australia	Australia
57.	New South Wales Nurses and Midwives' Association (NSWNMA)	Australia
58.	Bahrain Transparency Society	Bahrain
59.	Bangladesh Krishok Federation	Bangladesh
60.	Equity and Justice Working Group Bangladesh (EquityBD)	Bangladesh
61.	11.11.11- Coalition of the Flemish North-South Movement	Belgium
62.	Centre d'Action Laïque de la Province de Liège	Belgium
63.	Centre National de Coopération au Développement (CNCD-11.11.11)	Belgium
64.	Centre Tricontinental (CETRI)	Belgium
65.	CGSP wallonne (General Confederation for Public Services)	Belgium

66.	Fédération des Résistances	Belgium
67.	Le Monde Selon les Femmes	Belgium
68.	Peuple et Culture Wallonie	Belgium
69.	Dynamique des Organisations de la Société Civile d'Afrique Francophone	Benin
70.	Groupe de Recherche et d'Action pour la Promotion de l'Agriculture et du Développement (GRAPAD)	Benin
71.	Le Programme Globethics.net Francophone Africa (GEFA)	Benin
72.	Le Réseau des Journalistes Économiques du Bénin (REJEB)	Benin
73.	Plateforme des Acteurs de la Société Civile au Bénin (PASCiB)	Benin
74.	Social Watch Bénin	Benin
75.	Fundacion Solón	Bolivia
76.	Instituto Justiça Fiscal	Brazil
77.	Rede Brasileira Pela Integração dos Povos (REBRIP)	Brazil
78.	Graine de Joie	Burkina Faso
79.	Save the Earth Cambodia	Cambodia
80.	Association of Canadian Financial Officers	Canada
81.	Council of Canadians	Canada
82.	Group of 78	Canada
83.	Asociación Ambiente y Sociedad	Colombia
84.	Corporación Cactus	Colombia
85.	Friends of the Earth Costa Rica (COECOCEIBA)	Costa Rica
86.	GCAP Czech Republic	Czech Republic
87.	Social Watch Czech Republic	Czech Republic
88.	Service de Renforcement et d'Appui aux Communautés de Bases et aux OSC SEARCOB en Sigle, Délégation Nationale OSCAF	Democratic Republic of the Congo
89.	Social Watch DR Congo	Democratic Republic of the Congo
90.	Confederación Nacional de Unidad Sindical (CNUS)	Dominican Republic
91.	La Fundación Etnica Integral	Dominican Republic
92.	ALBA Movimientos	Ecuador
93.	Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)	Ecuador
94.	Fundación de Estudios, Acción y Participación Social (FEDAEPS)	Ecuador
95.	Red Latinoamericana de Mujeres Transformando la Economía (REMTE)	Ecuador
96.	Egyptian Initiative for Personal Rights (EIPR)	Egypt
97.	The Egyptian Center for Economic and Social Rights	Egypt
98.	Service Centre for Development Cooperation (KEPA)	Finland
99.	Sherpa	France
100.	Worldview	Gambia
101.	Berlin Center for Research and Documentation Chile-Latin America (FDCL)	Germany
102.	Foundation for a Free Information Infrastructure (FFII)	Germany
103.	PowerShift e.V.	Germany
104.	World Economy, Ecology & Development (WEED)	Germany
105.	EKPIZO	Greece
106.	CEIBA	Guatemala
107.	Coordinación de ONG y Cooperativas de Guatemala (CONGCOOP)	Guatemala
108.	Les femmes entrepreneurs et femmes d'affaire de la CEDEAO section Guinée (FEFA)	Guinea

109.	Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif (PAPDA)	Haiti
110.	Hungarian Social Watch Coalition	Hungary
111.	ActionAid India	India
112.	Andhra Pradesh Vyavasaya Vruthidarula Union (APVVU)	India
113.	Asha Parivar	India
114.	Bharatiya Krishak Samaj (BKS)	India
115.	Citizen News Service (CNS)	India
116.	Consumers' Association from Kerala	India
117.	Social Watch India	India
118.	Madhyam	India
119.	Paschim Banga Khet Majoor Samity (West Bengal Agricultural Workers Union)	India
120.	Vote For Health Campaign	India
121.	Asosiasi Perempuan Indonesia untuk Keadilan (APIK)	Indonesia
122.	Indonesia for Global Justice (IGJ)	Indonesia
123.	Institute Keadilan Global (Institute for Global Justice)	Indonesia
124.	Migrant CARE Indonesia	Indonesia
125.	Iraqi Al-Amal Association	Iraq
126.	Presentation Justice Network	Ireland
127.	Confederazione Generale Italiana del Lavoro (CGIL)	Italy
128.	Mediterranean Institute	Italy
129.	Campaign for Social & Economic Justice	Jamaica
130.	Phenix Center for Economic and Informatics Studies	Jordan
131.	Dockworkers Union	Kenya
132.	Kenya Debt Relief Network (KENDREN)	Kenya
133.	Seed Institute Kenya	Kenya
134.	Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI), KENYA	Kenya
135.	Citizen's Coalition for Economic Justice (CCEJ)	Korea
136.	Humanitarian Group for Social Development (HGSD)	Lebanon
137.	NGO Platform of Saida (Tajamoh)	Lebanon
138.	Rassemblement des Femmes Democratres Libanaises (RFDL)	Lebanon
139.	Consumers Association of Penang	Malaysia
140.	Malaysian AIDS Council	Malaysia
141.	Sahabat Alam Malaysia	Malaysia
142.	Coalition Malienne des Acteurs Non Etatiques sur l' Accords de Partenariat Economique (CMANE-AC)	Mali
143.	Fondation pour le Développement au Sahel (FDS)	Mali
144.	Social Watch Malta	Malta
145.	L'association de l'Espace Culturel-Nouakchott	Mauritania
146.	NTIC et Citoyennete/Maurifemme	Mauritania
147.	ONG GLOBE	Mauritania
148.	Point Focal de la Société Civile de Mauritanie	Mauritania
149.	Réseau pour la Promotion de la Citoyenneté	Mauritania
150.	Mauritius Trades Union Congress (MTUC)	Mauritius
151.	Migration and Sustainable Development Alliance (MSDA)	Mauritius

152.	Centro de Estudios Sociales y Culturales Antonio de Montesinos A.C. (CAM)	Mexico
153.	Centro de Promoción y Educación Profesional Vasco de Quiroga, A.C.	Mexico
154.	Grupo Tacuba	Mexico
155.	Mujeres para el Diálogo A.C. (MpD)	Mexico
156.	Otros Mundos, A.C.	Mexico
157.	Red Nacional Género y Economía (REDGE)	Mexico
158.	Siembra A.C	Mexico
159.	Democracy Education Center (DEMO)	Mongolia
160.	Espace Associatif	Morocco
161.	Le Réseau Marocain pour la Défense des Biens Publics	Morocco
162.	JOINT - National Coalition of NGOs	Mozambique
163.	All Nepal Peasants Federation (ANPFa)	Nepal
164.	Rural Reconstruction Nepal (RRN)	Nepal
165.	Both ENDS	Netherlands
166.	SOMO (Centre for Research on Multinational Corporations)	Netherlands
167.	Vrijsschrift	Netherlands
168.	Wemos Foundation	Netherlands
169.	L'Association Nigérienne des Scouts de l'Environnement (ANSEN)	Niger
170.	Réseau des Organisations de Développement et Associations de Défense des Droits de l'Homme et de la Démocratie (RODADDHD)	Niger
171.	CAFISO-WRAG for Development Nigeria	Nigeria
172.	Centre for Human Rights and Climate Change Research	Nigeria
173.	Environmental Rights Action/Friends of the Earth	Nigeria
174.	Labour, Health and Human Rights Development Centre	Nigeria
175.	l'Association Nigérienne des Scouts de l'Environnement (ANSEN)	Nigeria
176.	Southwest Freedom of Information Act Network Nigeria	Nigeria
177.	Ogoni Solidarity Forum	Nigeria
178.	Association pour la Taxation des Transactions financière et l'Aide aux Citoyens (ATTAC) Norway	Norway
179.	Norwegian Trade Campaign	Norway
180.	The Development Fund	Norway
181.	The Omani Economic Association	Oman
182.	Civil Society Support Program (CSSP)	Pakistan
183.	Dharti Development Foundation Sindh	Pakistan
184.	Institute for Development Initiatives (IDI)	Pakistan
185.	Palestinian Non-Governmental Organization Network (PNGO)	Palestine
186.	Centro de la Mujer Panameña	Panama
187.	DECIDAMOS, Campaña por la Expresión ciudadana	Paraguay
188.	Central Unitaria de Trabajadores del Perú (CUT)	Peru
189.	La Red Peruana por una Globalización con Equidad (RedGE)	Peru
190.	Programa Laboral de Desarrollo (PLADES)	Peru
191.	Red Peruana de Comercio Justo y Consumo Ético	Peru
192.	Ecological Society of the Philippines	Philippines
193.	Migrant Ministry and Program for Victims of Human Trafficking, The United Methodist Church	Philippines
194.	People's Coalition on Food Sovereignty (PCFS)	Philippines

195.	Philippine Rural Reconstruction Movement	Philippines
196.	Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO)	Philippines
197.	Social Watch Philippines	Philippines
198.	Southwest Philippines Annual Conference Board of Church and Society Mindoro	Philippines
199.	Oikos – Cooperação e Desenvolvimento	Portugal
200.	Plataforma Não ao Tratado Transatlântico	Portugal
201.	GREENACT	Senegal
202.	L'Association Nationale des Handicapés Moteurs du Sénégal (ANHMS)	Senegal
203.	Le Mouvement Citoyen Wa Gokh Bi Thiaroye Pikine	Senegal
204.	L'office Africain pour le développement et la coopération (OFADEC)	Senegal
205.	Ongd AFRICANDO	Senegal
206.	Cooperative and Policy Alternative Center	South Africa
207.	South Durban Community Environmental Alliance	South Africa
208.	Community Empowerment for Progress Organization (CEPO)	South Sudan
209.	Association pour la Taxation des Transactions financière et l'Aide aux Citoyens (ATTAC) Spain	Spain
210.	Ecologistas en Acción	Spain
211.	Unión Universal Desarrollo Solidario	Spain
212.	The Gender Studies Centre	Sudan
213.	Alliance Sud	Switzerland
214.	Health Innovation in Practice (HIP)	Switzerland
215.	Mtandao wa Vikundi vya Wakulima (MVIWATA Farmers' Union)	Tanzania
216.	Social Agenda Working Group (Social Watch)	Thailand
217.	FOSCAO - Togo	Togo
218.	Groupe d'Action et de Recherche en Environnement et Développement	Togo
219.	Humanitaire Plus	Togo
220.	La ligue des consommateurs du Togo (LCT)	Togo
221.	Ligue Togolaise des Drots de l'Homme (LTDH)	Togo
222.	OSCAF	Togo
223.	POSCAO	Togo
224.	Syndicat Democratique Des Mines	Togo
225.	WELFARE Togo	Togo
226.	Development Network of Indigenous Voluntary Associations (DENIVA)	Uganda
227.	Southern and Eastern African Trade Information and Negotiations Institute (SEATINI) Uganda	Uganda
228.	Jubilee Debt Campaign	UK
229.	Traidcraft	UK
230.	War on Want	UK
231.	Friends of the Earth Uruguay (REDES)	Uruguay
232.	Mujer y Salud en Uruguay (MYSU)	Uruguay
233.	Third World Institute	Uruguay
234.	American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)	USA
235.	Center of Concern	USA
236.	Citizens Trade Campaign (CTC)	USA
237.	Consumer Action	USA

238.	Food & Water Watch	USA
239.	Friends Committee on National Legislation (FCNL)	USA
240.	Friends of the Earth (FOE) U.S.	USA
241.	Global Exchange	USA
242.	Global-Local Links Project	USA
243.	Global Policy Forum	USA
244.	Health GAP (Global Access Project)	USA
245.	Holy Cross International Justice Office	USA
246.	Institute for Agriculture and Trade Policy	USA
247.	Institute for Policy Studies, Global Economy Project	USA
248.	Just Foreign Policy	USA
249.	Knowledge Ecology International (KEI)	USA
250.	Moana Nui Action Alliance	USA
251.	National Association of Consumer Advocates (NACA)	USA
252.	Network for Justice in Global Investment	USA
253.	Public Citizen	USA
254.	Public Interest Research Group (PIRG)	USA
255.	Sierra Club	USA
256.	Small Planet Institute	USA
257.	The Democracy Center	USA
258.	United Church of Christ Justice and Witness Ministries	USA
259.	Family Youth Bridge Training Center	Vanuatu
260.	Vanuatu Environment Advocacy Network	Vanuatu
261.	Al-Jawf Women Organization For Development (ALJWOFD)	Yemen
262.	Eastern and Southern Africa Small-Scale Farmers Forum (ESAFF)	Zambia