

Letter from Civil Society Regarding Investment Issues and UNCTAD

October 15, 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,

International Organizations and Networks		
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.	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.
3.	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.
4.	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.
5.	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.
6.	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).
7.	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.
8.	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.

9.	Oxfam International	Oxfam is an international confederation of 17 organizations working together with partners and local communities in more than 90 countries.
10.	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.
11.	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.
12.	RIPESS - Intercontinental Network for the Promotion of Social Solidarity Economy	RIPESS 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.
13.	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.
14.	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.
15.	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.
16.	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		
17.	Campaign2015+ International	Africa
18.	Global Network for Community Development	Africa
19.	Southern and Eastern African Trade, Information and Negotiations Institute (SEATINI)	Africa
20.	Africa Development Interchange Network (ADIN)	Africa
21.	ARCADE	Africa
22.	Association Panafricaine d'Alphabétisation et d'Education des Adultes (PAALAE)	Africa
23.	Eastern Africa Farmers Federation (EAFF)	Africa
24.	Economic News Africa	Africa
25.	Third World Network Africa	Africa
26.	Southern and Eastern African Trade , Information and Negotiations Institute (SEATINI)	Africa
27.	Asia Pacific Research Network	Asia
28.	Asian Solidarity Economy Council (ASEC)/RIPESS Asia	Asia
29.	Corporate Europe Observatory (CEO)	Europe
30.	Delegation of PODEMOS in the European Parliament	Europe
31.	European Federation of Public Service Unions (EPSU)	Europe
32.	European Public Health Alliance (EPHA)	Europe

33.	Food & Water Europe	Europe
34.	Friends of the Earth Europe (FoEE)	Europe
35.	Asociación Latinoamericana de Medicina Social (ALAMES)	Latin America
36.	Consejo Sindical Unitario de América Central y El Caribe (CSU)	Latin America
37.	Friends of the Earth Latin America and Caribbean (ATALC)	Latin America
38.	Mesa de Coordinación Latinoamericana de Comercio Justo	Latin America
39.	Movimiento Mesoamericano contra el Modelo extractivo Minero (M4)	Latin America
40.	Plataforma Interamericana de Derechos Humanos, Democracia y Desarrollo (PIDHDD Regional)	Latin America
41.	Red de Educación Popular Entre Mujeres de América Latina y el Caribe (REPEMLAC)	Latin America
42.	Trabajadores del Estado y los Servicios Públicos	Latin America
43.	Arab NGO Network for Development (ANND)	Middle East
44.	The Gulf Economic Association	Middle East
45.	International Brotherhood of Teamsters	North America
46.	Pacific Network on Globalisation (PANG)	Pacific

National Organizations and Networks

47.	Social Watch Afghanistan	Afghanistan
48.	Foro Ciudadano de Participación por la Justicia y los Derechos Humanos (FOCO)	Argentina
49.	Australian Fair Trade and Investment Network (AFTINET)	Australia
50.	National Tertiary Education Union, Australia	Australia
51.	New South Wales Nurses and Midwives' Association (NSWNMA)	Australia
52.	Bahrain Transparency Society	Bahrain
53.	Bangladesh Krishok Federation	Bangladesh
54.	Equity and Justice Working Group Bangladesh (EquityBD)	Bangladesh
55.	Centre d'Action Laïque de la Province de Liège	Belgium
56.	Centre National de Coopération au Développement (CNCD-11.11.11)	Belgium
57.	Centre Tricontinental (CETRI)	Belgium
58.	CGSP wallonne (General Confederation for Public Services)	Belgium
59.	Fédération des Résistances	Belgium
60.	Dynamique des Organisations de la Société Civile d'Afrique Francophone	Benin
61.	Groupe de Recherche et d'Action pour la Promotion de l'Agriculture et du Développement (GRAPAD)	Benin
62.	Le Programme Globethics.net Francophone Africa (GEFA)	Benin
63.	Le Réseau des journalistes économiques du Bénin (REJEB)	Benin
64.	Plateforme des Acteurs de la Société Civile au Bénin (PASCiB)	Benin
65.	Social Watch Bénin	Benin
66.	Fundacion Solón	Bolivia
67.	Instituto Justiça Fiscal	Brazil
68.	Rede Brasileira Pela Integração dos Povos (REBRIP)	Brazil
69.	Graine de Joie	Burkina Faso
70.	Save the Earth Cambodia	Cambodia
71.	Association of Canadian Financial Officers	Canada
72.	Council of Canadians	Canada
73.	Group of 78	Canada

74.	Asociación Ambiente y Sociedad	Colombia
75.	Corporación Cactus	Colombia
76.	Friends of the Earth Costa Rica (COECOCEIBA)	Costa Rica
77.	GCAP Czech Republic	Czech Republic
78.	Social Watch Czech Republic	Czech Republic
79.	Service de Renforcement et d'Appui aux Communautés de Bases et aux OSC SEARCOB en Sigle, Délégation Nationale OSCAF	Democratic Republic of the Congo
80.	Confederación Nacional de Unidad Sindical (CNUS)	Dominican Republic
81.	La Fundacion Etnica Integral	Dominican Republic
82.	ALBA Movimientos	Ecuador
83.	Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM)	Ecuador
84.	Fundación de Estudios, Acción y Participación Social (FEDAEPS)	Ecuador
85.	Red Latinoamericana de Mujeres Transformando la Economía (REMTE)	Ecuador
86.	Egyptian Initiative for Personal Rights (EIPR)	Egypt
87.	The Egyptian Center for Economic and Social Rights	Egypt
88.	Service Centre for Development Cooperation (KEPA)	Finland
89.	Sherpa	France
90.	Worldview	Gambia
91.	Berlin Center for Research and Documentation Chile-Latin America (FDCL)	Germany
92.	Foundation for a Free Information Infrastructure (FFII)	Germany
93.	PowerShift e.V.	Germany
94.	World Economy, Ecology & Development (WEED)	Germany
95.	EKPIZO	Greece
96.	CEIBA	Guatemala
97.	Coordinación de ONG y Cooperativas de Guatemala (CONGCOOP)	Guatemala
98.	Les femmes entrepreneurs et femmes d'affaire de la CEDEAO section Guinée (FEFA)	Guinea
99.	Plateforme Haïtienne de Plaidoyer pour un Développement Alternatif (PAPDA)	Haiti
100.	Hungarian Social Watch Coalition	Hungary
101.	ActionAid India	India
102.	Andhra Pradesh Vyavasaya Vruthidarula Union (APVVU)	India
103.	Asha Parivar	India
104.	Bharatiya Krishak Samaj (BKS)	India
105.	Citizen News Service (CNS)	India
106.	Consumers' Association from Kerala	India
107.	India Social Watch	India
108.	Madhyam	India
109.	Paschim Banga Khet Majoor Samity (West Bengal Agricultural Workers Union)	India
110.	Vote For Health Campaign	India
111.	Asosiasi Perempuan Indonesia untuk Keadilan (APIK)	Indonesia
112.	Indonesia for Global Justice (IGJ)	Indonesia
113.	Institute Keadilan Global (Institute for Global Justice)	Indonesia
114.	Migrant CARE Indonesia	Indonesia
115.	Iraqi Al-Amal Association	Iraq
116.	Presentation Justice Network	Ireland

117.	Confederazione Generale Italiana del Lavoro (CGIL)	Italy
118.	Mediterranean Institute	Italy
119.	Campaign for Social & Economic Justice	Jamaica
120.	Phenix Center for Economic and Informatics Studies	Jordan
121.	Dockworkers Union	Kenya
122.	Kenya Debt Relief Network (KENDREN)	Kenya
123.	Seed Institute Kenya	Kenya
124.	Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI), KENYA	Kenya
125.	Consumers Association of Penang	Malaysia
126.	Sahabat Alam Malaysia	Malaysia
127.	Coalition Malienne des Acteurs Non Etatiques sur l' Accords de Partenariat Economique (CMANE-AC)	Mali
128.	Fondation pour le Développement au Sahel (FDS)	Mali
129.	Social Watch Malta	Malta
130.	L'association de l'Espace Culturel-Nouakchott	Mauritania
131.	NTIC et Citoyennete/Maurifemme	Mauritania
132.	ONG GLOBE	Mauritania
133.	Point Focal de la Société Civile de Mauritanie	Mauritania
134.	Réseau pour la Promotion de la Citoyenneté	Mauritania
135.	Mauritius Trades Union Congress (MTUC)	Mauritius
136.	Migration and Sustainable Development Alliance (MSDA)	Mauritius
137.	Centro de Estudios Sociales y Culturales Antonio de Montesinos A.C. (CAM)	Mexico
138.	Centro de Promoción y Educación Profesional Vasco de Quiroga, A.C.	Mexico
139.	Grupo Tacuba	Mexico
140.	Mujeres para el Diálogo A.C. (MpD)	Mexico
141.	Otros Mundos, A.C.	Mexico
142.	Red Nacional Género y Economía (REDGE)	Mexico
143.	Siembra A.C	Mexico
144.	Democracy Education Center (DEMO)	Mongolia
145.	Espace Associatif	Morocco
146.	Le Réseau Marocain pour la Défense des Biens Publics	Morocco
147.	JOINT - National Coalition of NGOs	Mozambique
148.	All Nepal Peasants Federation (ANPFa)	Nepal
149.	Rural Reconstruction Nepal (RRN)	Nepal
150.	SOMO (Centre for Research on Multinational Corporations)	Netherlands
151.	Vrijschrift	Netherlands
152.	Wemos Foundation	Netherlands
153.	l'Association Nigérienne des Scouts de l'Environnement (ANSEN)	Niger
154.	Réseau des Organisations de Développement et Associations de Défense des Droits de l'Homme et de la Démocratie (RODADDHD)	Niger
155.	CAFSO-WRAG for Development Nigeria	Nigeria
156.	Centre for Human Rights and Climate Change Research	Nigeria
157.	Environmental Rights Action/Friends of the Earth	Nigeria
158.	Labour, Health and Human Rights Development Centre	Nigeria
159.	l'Association Nigérienne des Scouts de l'Environnement (ANSEN)	Nigeria

160.	Southwest Freedom of Information Act Network Nigeria	Nigeria
161.	Ogoni Solidarity Forum	Nigeria
162.	Association pour la Taxation des Transactions financière et l'Aide aux Citoyens (ATTAC) Norway	Norway
163.	Norwegian Trade Campaign	Norway
164.	The Development Fund	Norway
165.	The Omani Economic Association	Oman
166.	Civil Society Support Program (CSSP)	Pakistan
167.	Dharti Development Foundation Sindh	Pakistan
168.	Institute for Development Initiatives (IDI)	Pakistan
169.	Palestinian Non-Governmental Organization Network (PNGO)	Palestine
170.	Centro de la Mujer Panameña	Panama
171.	DECIDAMOS, Campaña por la Expresión ciudadana	Paraguay
172.	Central Unitaria de Trabajadores del Perú (CUT)	Peru
173.	Programa Laboral de Desarrollo (PLADES)	Peru
174.	Red Peruana de Comercio Justo y Consumo Ético	Peru
175.	Ecological Society of the Philippines	Philippines
176.	Migrant Ministry and Program for Victims of Human Trafficking, The United Methodist Church	Philippines
177.	People's Coalition on Food Sovereignty (PCFS)	Philippines
178.	Philippine Rural Reconstruction Movement	Philippines
179.	Sentro ng mga Nagkakaisa at Progresibong Manggagawa (SENTRO)	Philippines
180.	Social Watch Philippines	Philippines
181.	Southwest Philippines Annual Conference Board of Church and Society Mindoro	Philippines
182.	Plataforma Não ao Tratado Transatlântico	Portugal
183.	GREENACT	Senegal
184.	Le Mouvement Citoyen Wa Gokh Bi Thiaroye Pikine	Senegal
185.	L'office Africain pour le développement et la coopération (OFADEC)	Senegal
186.	Ongd AFRICANDO	Senegal
187.	Cooperative and Policy Alternative Center	South Africa
188.	South Durban Community Environmental Alliance	South Africa
189.	Community Empowerment for Progress Organization (CEPO)	South Sudan
190.	Association pour la Taxation des Transactions financière et l'Aide aux Citoyens (ATTAC) Spain	Spain
191.	Ecologistas en Acción	Spain
192.	Unión Universal Desarrollo Solidario	Spain
193.	The Gender Studies Centre	Sudan
194.	Alliance Sud	Switzerland
195.	Health Innovation in Practice (HIP)	Switzerland
196.	Mtandao wa Vikundi vya Wakulima (MVIWATA Farmers' Union)	Tanzania
197.	Social Agenda Working Group (Social Watch)	Thailand
198.	FOSCAO - Togo	Togo
199.	Groupe d'Action et de Recherche en Environnement et Développement	Togo
200.	Humanitaire Plus	Togo
201.	La ligue des consommateurs du Togo (LCT)	Togo
202.	Ligue Togolaise des Drots de l'Homme (LTDH)	Togo

203.	OSCAF	Togo
204.	POSCAO	Togo
205.	Syndicat Democratique Des Mines	Togo
206.	WELFARE Togo	Togo
207.	Southern and Eastern African Trade Information and Negotiations Institute (SEATINI) Uganda	Uganda
208.	Jubilee Debt Campaign	UK
209.	Traidcraft	UK
210.	War on Want	UK
211.	Friends of the Earth Uruguay (REDES)	Uruguay
212.	Mujer y Salud en Uruguay (MYSU)	Uruguay
213.	Third World Institute	Uruguay
214.	American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)	USA
215.	Citizens Trade Campaign (CTC)	USA
216.	Consumer Action	USA
217.	Food & Water Watch	USA
218.	Friends Committee on National Legislation (FCNL)	USA
219.	Friends of the Earth (FOE) U.S.	USA
220.	Global Exchange	USA
221.	Global Policy Forum	USA
222.	Health GAP (Global Access Project)	USA
223.	Holy Cross International Justice Office	USA
224.	Institute for Agriculture and Trade Policy	USA
225.	Institute for Policy Studies, Global Economy Project	USA
226.	Just Foreign Policy	USA
227.	Knowledge Ecology International (KEI)	USA
228.	Moana Nui Action Alliance	USA
229.	National Association of Consumer Advocates (NACA)	USA
230.	Network for Justice in Global Investment	USA
231.	Public Citizen	USA
232.	Public Interest Research Group (PIRG)	USA
233.	Sierra Club	USA
234.	Small Planet Institute	USA
235.	The Democracy Center	USA
236.	United Church of Christ Justice and Witness Ministries	USA
237.	Family Youth Bridge Training Center	Vanuatu
238.	Vanuatu Environment Advocacy Network	Vanuatu
239.	Al-Jawf Women Organization For Development (ALJWOFD)	Yemen
240.	Eastern and Southern Africa Small-Scale Farmers Forum (ESAFF)	Zambia