

Title of Resolution: Resolution on TILMA and AIT

Rationale / Purpose for Resolution:

TILMA and AIT pose a threat to the ability of municipalities to provide library services. This resolution asks BCLA to be involved in consultations with the UBCM regarding TILMA and AIT, calls for consultations with the general public, and asks BCLA to keep the BC library community informed about how TILMA and AIT will affect them. In taking this position, BCLA will be a leader in the public sector on these issues.

Prior History of this Resolution (IF ANY):

BCLA passed a resolution opposing TILMA in 2007. The current resolution calls for a specific exemption for libraries from these trade agreements, recognizes the newer threat of the AIT, and calls for BCLA to be much more active on these issues.

Action Proposed:

Whereas the BCLA passed a resolution on April 21, 2007 in opposition to the Trade, Investment, and Labour Mobility Agreement (TILMA) which came into effect April 1, 2007;

And Whereas TILMA enables private investors to sue provincial governments for up to \$5 million if new or existing regulations "restrict or impair investment" (Articles 3 and 5.3), or if regulations are not "reconciled" between the provinces (Article 5.1);

And Whereas without a specific exemption from TILMA, library boards and any other bodies operating under the British Columbia Library Act are government entities subject to TILMA;

And Whereas the Province of British Columbia is currently engaged with the Union of BC Municipalities (UBCM) and others in a consultation process to determine the extent of TILMA coverage of municipal and other government organizations when the agreement's transitional period ends on April 1, 2009;

And Whereas the UBCM has a representative to this consultation charged with bringing forward local government issues for discussion and negotiation;

And Whereas TILMA is a "Trade Enhancement Arrangement" under the Agreement on Internal Trade (AIT);

And Whereas at their Council of the Federation meeting in January 2008 Canadian premiers endorsed a new plan for making AIT panel rulings enforceable, with governments liable for monetary awards of up to \$5 million per infraction;

And Whereas both the AIT and TILMA have potentially profound implications on our communities and our society, including the ability of library boards and associations to meet the needs of said communities;

And Whereas the TILMA website says that there will be "extensive consultation ... with local governments and professional and occupational associations," but to our knowledge no consultations with the general public are planned;

Be It Resolved that the BCLA urge the provincial government to plan and publicize an extensive public consultation process and to delay the implementation of TILMA until this process is complete and a report is made public;

And Be It Further Resolved that the BCLA be granted the mandate, as a matter of urgency, to work with the UBCM representative and executive to ensure that the provincial government fully exempts from TILMA all "measures adopted or maintained related to library and information services";

And Be It Further Resolved that the BCLA invite both the CLA and other provincial library associations to jointly obtain an assessment of the potential impacts on school, public, and academic libraries in Canada of the premiers' January 2008 proposal to make the AIT enforceable;

And Be It Further Resolved that BCLA provide frequent updates to the BC library community on developments concerning TILMA and the AIT that are relevant to library and information services.

BCLA Committees / Interest Groups Consulted (IF ANY):

This resolution was produced collaboratively by members of the Information Policy Committee.

Endorsement by BCLA Committees / Interest Groups (IF ANY):

This resolution is endorsed by the Information Policy Committee.

Fiscal Implications (IF ANY):

There could be costs associated with any educational tools that BCLA chooses to produce.

If this resolution necessitates a change in existing policy, state the policy and the change:

N/A

If this resolution establishes policy, state the policy:

N/A

If this resolution conflicts with existing policy, state provisions for resolving the conflict:

N/A

If this resolution proposes a BCLA position statement, indicate the position's relations to libraries and library service:

N/A

Initiating Individual, Committee or Interest Group:

Information Policy Committee

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