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MEDIA RELEASE

July 10, 2017

Government should release Philip Morris plain packaging case costs says Fair Trade group

“We welcome the international tribunal decision that Philip Morris tobacco company should pay the costs of its failed case against Australia’s 2011 plain packaging law. But it is absurd and unacceptable that the tribunal has not released the amount of the costs, which have been blacked out of the published decision,” AFTINET Convener Dr Patricia Ranald said today.

Dr Ranald said that the Australian public had a right to know the full costs of the failed case, which dragged on for over four years.

“The failure to publish the costs exposes the unacceptable nature of the international tribunal system known as Investor-State Disputes (ISDS), which enables global corporations to bypass national courts and sue governments in international tribunals over public health and other public interest laws,” said Dr Ranald.

She added that ISDS tribunals lack the proper legal safeguards of national court systems, having no independent judiciary, no precedents and no appeals, and wide discretion which enables absurd processes like refusal to release the amount of costs, which would not be accepted in a national court system.

Dr Ranald explained that Philip Morris, a US company, shifted some assets to Hong Kong and used ISDS provisions in an obscure Hong Kong Australia investment agreement because the Howard government refused to include ISDS in the US-Australia free trade agreement. But the current Coalition government has agreed to ISDS in the Korea and China free trade agreements which are in force, and in the failed Trans-Pacific partnership, which has not been ratified by the Australian Parliament. The government is also supporting ISDS in other trade negotiations. This means there could be more cases against public health environment and other public interest laws.

Dr Ranald said that AFTINET, which is a network of community groups, had consistently opposed ISDS in trade agreements, and that the Labor opposition, Greens and Nick Xenophon team also had policies against it.

“AFTINET calls on the Australian government to release the costs of the Philip Morris case immediately, and to oppose the inclusion of ISDS in all trade agreements”, she said.

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