



BULLETIN October 2020

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1. Introduction

Dear Members,

The COVID-19 pandemic continues to spread with second and third waves impacting health and economies in many countries, including Australia. Rich nations have signed up with several drug manufacturers for early access to any vaccine for their own populations, while the World Health Organisation-led COVAX Facility is trying to provide for the nations which cannot afford this. Public universities are making the potential vaccines, but drug companies that manufacture them will have 20-year monopoly patents to control prices. Drug companies have pressured governments not to

use the WTO provisions for compulsory licensing to bypass patent rights, but to negotiate prices with them.

Australia has signed two bilateral agreements for potential vaccines, and made minimal commitments to the COVAX Facility and Advanced Market Commitment.

Investor-State Dispute Settlement claims against governments are mounting. All of the recorded ISDS cases from Australia are mining companies, with Canadian and other companies using Australian subsidiaries for forum shopping to make claims against developing countries. The fight against ISDS within the Energy Charter Treaty, mainly in Europe, is intense.

Global technology companies are pushing to use trade agreements to consolidate their data monopolies, and Australia has facilitated this through the recent Singapore Digital Economy Agreement.

AFTINET has made submissions to current trade policy inquiries, on the Singapore Digital Economy Agreement, on the trade agreement process, and on a review of Australia's older Bilateral Investment Agreements, which contain toxic ISDS provisions.

AFTINET celebrated 20 years of campaigning for trade justice on September 17. AFTINET relies on your support to continue our campaigns. Please share items from this Bulletin with your networks and friends.

Thanks and keep safe.

The AFTINET Team

2. AFTINET submission on Singapore Digital Agreement assesses protection of privacy and other public interest regulation

The Australia-Singapore Digital Economy Agreement was [signed on August 6](#) and the text was tabled in Parliament on August 24, which triggered an inquiry by the joint Standing Committee on Treaties (JSCOT).

AFTINET's submission to the [JSCOT inquiry](#) is [here](#).

The agreement was negotiated behind closed doors in record time between October 2019 and March 2020. The government claims it "breaks new ground" and goes further than the CPTPP and other agreements on deregulating cross-border data flows and preventing access to source code by government regulators.

AFTINET's submission argues that the [ACCC report on digital platforms](#) and a [Human Rights Commission](#) report recommended more, not less, regulation of big tech companies, and that deregulatory trade rules could frustrate future regulation needed to protect privacy, prevent discrimination and curb their market domination.

The Digital Economy Agreement enables cross-border data flows and prevents access to source code and algorithms. Neither party can require local storage of data or access to source code and algorithms "as a condition of conducting business within its borders."

These issues have been highlighted in the context of the COVID-19 pandemic when the increase in digital communication and commerce has boosted Big Tech profits and market domination.

3. AFTINET tells DFAT to drop corporate rights to sue governments from Bilateral Investment Treaties

AFTINET's submission to the [review of Bilateral investment Treaties](#) (BITs) is [here](#).

It presents the latest evidence on foreign investor rights to sue government, known as ISDS, including the notorious Philip Morris tobacco company use of a Hong Kong BIT to claim billions in compensation for Australia's plain packaging legislation. The ISDS tribunal took nearly five years to decide that Philip Morris was not a Hong Kong company, and Australia recovered only half of the \$24 million in legal costs.

Global mining companies are using Australian subsidiaries in similar forum-shopping exercises.

In 2019 an Australian subsidiary of a Canadian mining company was awarded US\$5 billion from the government of Pakistan over a dispute about a mining license, based on dubious claims for future lost profits. Pakistan was experiencing an economic crisis and had just received an IMF emergency loan for the same amount. It is a scandal that the ISDS award could wipe out the benefits of the IMF loan.

The same Canadian mining company has used another Australian subsidiary to launch a case against a decision not to renew a license for a mine in Papua New Guinea after a documented record of environmental damage and human rights abuses.

Huge awards against developing countries and the use of Australian BITS in forum shopping contradict Australia's commitments to human rights, undermine its aid and development programs, and harm Australia's reputation and relationships with developing countries.

Clive Palmer is now threatening to use a recently established Singapore subsidiary company to use ISDS to sue the Commonwealth over legislation passed by the WA government. If the case proceeds, it is absurd that the Australian government will have to spend time and money arguing that Clive Palmer's company is not a Singaporean company.

Global corporations are also preparing cases against government actions to save lives during the pandemic.

AFTINET's submission argues that Australia should revise its BITS to encourage investment facilitation but exclude ISDS provisions, and should instead be enforced through state-to-state dispute processes.

The submissions will be published on the DFAT website and recommendations will be made to the Minister for decision, but the detail of the ministerial decision may not be made public.

DFAT will then start negotiations based on the ministerial decision with the different bilateral partners before the end of the year.

Any proposals to amend or cancel BITS should go before the Joint Standing Committee on Treaties for review.

4. Links to videos at AFTINET's 20th Birthday Party September 17, 2020

This was a great celebration of our collective efforts for trade justice. Here are the links to the different segments of the event, plus a selection of the chat comments.

The 15 minute video of [AFTINET – 20 Years Fighting for Trade Justice](#).

The 5 minute video of [Anniversary Greetings to AFTINET from Key Allies](#), including ACTU President Michele O'Neil and ITUC President Sharon Burrow.

The 8 minute video speech of [Lee Rhiannon](#), former Aid/Watch Activist, and former Greens Senator.

The 7 minute speech of [Doug Cameron](#), former National Secretary of the Australian manufacturing Workers Union, and former Labor Senator.

The 6 minute Toast moved by [Dr Patricia Ranald](#), AFTINET Convenor.

Selection of the [Chat comments](#) from the event.

You can top off the celebration with a birthday [donation to AFTINET](#) and/or purchase the 20th Anniversary [AFTINET cloth posters or T-Towels](#) with the Wilcox and Tandberg cartoons.

5. Australia's tentative steps in global cooperative effort on COVID-19 pandemic

Australia's Prime Minister Scott Morrison re-announced [Australia's A\\$80 million contribution to the COVAX Advance Market Commitment](#) (AMC) to the UN General Assembly on September 26.

The [COVAX Advanced Market Commitment](#) promoted by the World Health Organisation aims to provide vaccines to 92 lower-middle and low income countries who cannot afford advanced purchase agreements with drug manufacturers. So far, the AMC has raised about US\$700 million of the initial seed capital target of US\$2 billion that is needed by the end of 2020. The initial aim of COVAX is to have 2 billion doses available by the end of 2021, which should be enough to protect high risk and vulnerable people, as well as frontline healthcare workers – about one billion people.

COVAX pricing indicates that one dose will cost a minimum of US\$10.66, and since an effective vaccination will require two doses, that means the cost per person vaccinated will be US\$21.32, or A\$29.60. Australia's [A\\$80 million commitment](#) for neighbouring lower-income countries would buy just 2.7 million vaccinations. This is meant to provide real assistance to at least 10 Pacific Island states and five developing ASEAN states. There are 10 million people in the Pacific Island states, and 547 million people in the eligible ASEAN states. A vaccination rate of just 10 per cent would require 111 million doses, costing well over US\$1 billion.

On September 23, [Health Minister Greg Hunt](#) separately announced an initial A\$123.2 million commitment to the different COVAX Facility fund.

The COVAX Facility allows self-financing countries as well as poorer countries to commit to purchasing vaccines at prices negotiated with drug companies for between 10 per cent and

50 per cent of their populations, when vaccines are expected to become available in 2021. The amount they pay into the Facility will reflect the number of doses they have requested.

Eighty higher-income countries and economies have confirmed their interest in [participating the COVAX Facility](#). Countries had until 18 September to commit to legally binding agreements to participate and make their upfront payments into the Facility by 9 October, so Australia's commitment is relatively small and late.

In terms of the COVAX Facility, Australia's initial payment of A\$123.2 would vaccinate just 4.2 million Australians.

However, agreements signed between the [Australian government, CSL, Queensland University and AstraZeneca](#) in early September 2020 provide for 81 million doses to be manufactured in Australia and supplied from early to mid-2021. That would be enough to vaccinate 40.5 million Australians, and would clearly allow Australia to provide doses to other countries *if* both these vaccines prove safe and effective. The price for these vaccines has not been disclosed.

The entire COVAX arrangement is clearly based on prices negotiated with pharmaceutical companies who will hold a [20 year patent on the vaccines](#), rather than using compulsory licencing for manufacture of the vaccines, which is allowed for under World Trade Organisation rules. Reporting makes it clear that most vaccines are actually developed in universities with public funding.

[Big Pharma imposes monopoly rights in COVID-19 vaccine race](#)

Initial commitments by university-based vaccine developers and the World Health Organisation to provide COVID-19 vaccines to all manufacturers without paying high monopoly prices have been overwhelmed by the pharmaceutical industry's absolute commitment to intellectual property rights, according to a [report in Fortune Magazine](#).

[Intellectual Property provisions](#) in the World Trade Organisation TRIPS agreement and in regional and bilateral Free Trade Agreements provide pharmaceutical companies with patent monopolies, giving high prices for at least 20 years. Governments where these companies are based – mainly the USA, UK, and Europe – have been lobbied by these companies to retain and expand these monopoly rights, despite the fact that the WTO itself has exceptions to them for emergencies like the pandemic. Other governments act out of fear that their populations will miss out.

Oxford University surprised and pleased advocates of overhauling the vaccine business in April by promising to donate the rights to its promising coronavirus vaccine to any manufacturer.

Only a few weeks after its April announcement, Oxford—pressed by the Bill & Melinda Gates Foundation—flipped, and signed an exclusive vaccine deal with AstraZeneca, a UK-Swedish company. AstraZeneca would have [sole rights and made no guarantee of low prices](#).

Other companies working on coronavirus vaccines have [followed the same line](#), collecting billions in government grants, hoarding patents, revealing as little as possible about their deals. Pfizer, BioNTech and Moderna intend to charge up to US\$37 each for hundreds of millions of doses.

CEPI (Coalition for Epidemic Preparedness Innovations) asked for public data disclosure from drug-company grantees, “transparent” accounting to show true vaccine cost and the right to step in and take over a vaccine project if the developer failed to deliver.

But big pharma objected and CEPI [backflipped in February 2020](#). The drug companies were “concerned about the precedent that could be set if they allowed an outside entity, in this case CEPI, to set [the] price of a product unilaterally,” CEPI [reported in February](#).

COVID-19 vaccine race reinforced by trade rules for monopolies on medicines

A [short but growing list of countries](#) have signed pre-order contracts with pharmaceutical manufacturers for possible COVID-19 vaccines, which could [leave behind most of the world’s population](#) in 2021.

So far, the United States, United Kingdom, Japan, Brazil, and Switzerland have signed pre-order contracts for COVID-19 vaccines now in development, outside the global cooperative program launched by the World Health Organisation in May 2020. None of these pre-order contracts include provision for suspending patent rights during the pandemic. The prices are negotiated with the companies, and almost all are higher than low-income countries can afford. Prices range from US\$4 per dose to US\$37 per dose. Since two doses are required for an effective vaccination, the cost per person ranges from US\$8 to US\$74.

The published pre-sales total about 2 billion doses. The Coalition for Epidemic Preparedness Innovations (CEPI) estimates that there is only enough global [manufacturing capacity](#) to produce two to four billion doses through to the end of 2021. If countries continue to sign individual deals, there simply won’t be enough for poorer countries.

Faith communities push back against medicine monopolies

The Interfaith Center on Corporate Responsibility (ICCR) issued a [press release](#) on August 11, 2020, citing [letters](#) sent to 17 pharma companies by 59 investors representing US\$2.5 trillion in assets. The letters note that much of the research for vaccines is publicly funded, and seeks a commitment to ensure widespread access to treatments and vaccines for COVID-19, including affordable pricing and the sharing of technology to scale-up manufacturing.

6. More ISDS cases launched against Latin American states amid the COVID-19 pandemic

A [new report](#) by the Netherlands-based Transnational Institute reveals a rush of international arbitration cases against Latin American states by international investors during the COVID-19 pandemic. Some cases relate to pandemic control measures, and others to ongoing cases.

Countries now facing ISDS claims are Peru, Guatemala, and Bolivia.

In a recent bulletin, the law firm [Garrigues](#) pondered “the question that arises therefore is whether COVID-19 is a new break for investment arbitration due to the surge in claims that will arise from it or whether, conversely, it will be a final sweep of the sword by discouraging states from including this dispute resolution mechanism in their treaties”.

Under Investor-State Dispute Settlement (ISDS), a single foreign investor can claim compensation if it can persuade an international tribunal of investment lawyers that a government law or policy has harmed its investment.

More than [600 community organizations](#) have called on governments to block the use of ISDS in relation to COVID-19 measures, to suspend all existing ISDS cases during the pandemic, and remove ISDS from all agreements.

Countries in Latin America and the Caribbean have so far been ordered to pay US\$31 billion and face pending claims of US\$40 billion in the 282 known arbitration claims by investors. The vast majority of completed cases were settled in favour of the investor.

[Wave of ISDS cases threatened against British government COVID-19 actions](#)

The [Guardian \(UK\)](#) has reported a series of law firms advising clients to use Investor-State Dispute Settlement clauses in trade and investment agreements to “recover or prevent loss resulting from COVID-19-related government actions”.

The law firm Alston & Bird [used a recent webinar to predict](#) that the UK will be sued over the London local government’s decision to close Crossrail construction sites during the pandemic.

7. RCEP Trade Ministers want to sign in November but still hoping India may re-join

The official [statement](#) from the on-line meeting on August 27 of 15 Trade Ministers negotiating the Regional Comprehensive Economic Partnership said that they were “pleased with the significant progress made towards finalizing the RCEP Agreement for signing at the fourth RCEP Summit in November 2020,” and that “the RCEP remains open for India”.

The [Japan Times](#) reported that a Japanese official who attended the talks said: “There were no discussions today about (the scenario for signing a deal) with or without India, we confirmed that each country will make its own efforts in getting [India](#) back to the talks.”

The RCEP includes China, Japan, South Korea, Australia, New Zealand and the 10 ASEAN countries. [India pulled out](#) in November 2019, after taking part in the talks since their inception in 2012.

Australia and New Zealand are the only nations out of the 15 which do not have an FTA with India, and have little in market access to gain from an RCEP without India.

The Indian withdrawal from the RCEP followed strong protests from health workers, trade unions and women, environmentalists and small farmers, converging with anxiety over Chinese imports from Indian manufacturers and central government concerns at the prospect of an overall negative economic impact.

8. Malaysian government decision not to ratify CPTPP comes under pressure

Darell Leiking, Malaysia’s former minister of international trade and industry and MP for Penampang [has confirmed](#) that on November 29, 2019, the [government decided](#) that it had made the right decision in not ratifying the Comprehensive and Progressive Agreement for

Trans-Pacific Partnership (CPTPP). This was based on a one-year research effort, which had found potential negative impacts on domestic industry.

Mr Leiking was rebutting a claim made on August 4, 2020, by [the current Minister, Azmin Ali](#), that a September 5, 2018, cabinet decision to conduct research on the impact of the CPTPP without specifying when it might ratify, meant that the present government could go ahead to ratify now.

Mr Leiking reported that the cabinet deliberated the CPTPP several times after September 5, 2018, and had decided that all issues had to be resolved prior to ratification. Many of these issues had been raised by Azmin's then economics ministry, now the [Economic Planning Unit](#), who presented to the Economic Action Council on Sept 19, 2019.

The CPTPP includes Investor-State Dispute Settlement (ISDS). The cabinet resolved on July 31, 2019, to reject ISDS on principle, and Mr Leiking used that to persuade the 15 other nations participating in the Regional Comprehensive Economic Partnership (RCEP) negotiations to drop ISDS from that agreement.

Malaysia, Brunei, Chile, and Peru have yet to ratify the CPTPP. Australia, Vietnam, Japan, Canada, Singapore, New Zealand and Mexico have ratified it. It entered into force for those who had ratified it, on December 30, 2018.

9. Australian, New Zealand and British Unions warn against bad proposals in UK trade deal

As former Australian Prime Minister Tony Abbott now advises the British government in its trade negotiations with the European Union, Australia and New Zealand, the trade unions from the three countries have issued a [united call for decent work](#).

"We are concerned that the UK government has expressed support for the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), to which Australia and New Zealand are a party. CPTPP is a bad deal for workers. ... CPTPP does not contain mechanisms to adequately protect and enforce labour rights. The deal also poses threats to public services, opens the door to increased exploitation of migrant workers, and contains ISDS (Investor-State Dispute Settlement) provisions that allow big business to sue governments for changing domestic policies".

While Abbott was Prime Minister, Australia signed free trade agreements with China, South Korea and Japan, which led to the closure of Australia's car manufacturing sector.

The unions called for any trade agreement to exclude ISDS, guarantee governments' right to regulate and protect public services and to have enforceable commitments to guarantee workers' rights.

10. UK and Japan agree on trade deal that opens door for Britain to join the CPTPP

British trade Secretary Liz Truss and Japanese Foreign Minister Motegi Toshimitsu agreed in principle on September 11, 2020, to [a free trade agreement](#), the UK's first major trade deal as an independent trading nation.

The UK sees this deal forming a pathway to further market access under the 11-nation Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP), which Japan will support as part of the agreement.

On digital trade, the deal locks in a ban on “data localisation”, so there can be no requirement for either country to store data locally. Financial services are the biggest part of British trade to Japan, and the deal promises further deregulation. Japanese auto manufacturers won lower tariffs on component imports into their UK factories.

Japan is the largest economy in the [CPTPP](#), and for the UK government it is attractive because the CPTPP also includes other large economies like Canada, Mexico and Australia. However, despite a common set of rules, the CPTPP has separate market access arrangements for its 11 members, and the UK will need at least two if not more years to negotiate these with ten other countries.

11. Mining companies dominate ISDS treaty-shopping claims from Australian companies

The second-largest damages claim ever awarded to a foreign investor against a government was US\$5.8 billion, in July 2019, to the Australian subsidiary of Tethyan Copper Company against the government of Pakistan. Canadian academic Kyla Tienhaara argued in an [article in the Conversation](#) that this Investor-State Dispute Settlement (ISDS) ruling demonstrated that the global economic governance model is broken.

Australia, with its many Bilateral Investment Treaties and FTAs, contributes to a system of treaty shopping by mining companies looking to sue governments over unfavourable decisions.

Tethyan is indirectly owned by two mining companies, [Barrick Gold Corporation](#) of Canada and [Antofagasta PLC](#) of Chile. Neither Canada nor Chile has an investment treaty with Pakistan which allows for an Investor-State Dispute Settlement (ISDS) claim. But Australia does have a [Bilateral Investment Treaty](#) which came into force in 1998, which allows claims to be lodged with the International Centre for Settlement of Investment Disputes, an agency of the World Bank. The Tethyan Australia subsidiary enabled the company to lodge the claim in 2011.

The award is more than 25 times the US\$220 million the company invested in the project and includes an unknown payout for ‘lost future profits.’ It is 16 per cent of the entire Pakistan Budget for 2018-19.

The ruling came less than two weeks after Pakistan accepted a US\$6 billion loan from the International Monetary Fund, which included strict conditions that forced the government to impose severe austerity measures.

According to [industry data](#), Tethyan is now located in Perth, and has four employees and a [sole director](#) based in the UK.

Barrick Gold [announced](#) on July 10, 2020, that its Australian subsidiary, Barrick (PD) Australia Pty Ltd, was invoking the ISDS provisions of a bilateral investment treaty between Papua New Guinea (PNG) and Australia over the PNG government’s refusal to grant an

extension of the company's expired 30 year lease at the controversial Porgera Joint Venture gold mine in the PNG highlands.

Canada does not have a BIT with PNG. Despite a shocking record of environmental and human rights abuses, [Barrick wants another 20 years](#) of mining at Porgera, and it wants to deflect claims for compensation from the Ipili and Engan peoples, who are the landowners.

In November 2019, Aura Energy Ltd, an Australian company also listed in the UK, lodged a [claim](#) under the Energy Charter Treaty (ECT) for US\$1.8 billion in compensation from the Swedish government because in 2018 the government had decided to phase out uranium mining for environmental reasons.

[**Palmer threatens ISDS action against Australian – from Singapore!**](#)

The [Melbourne Age](#) has reported that Clive Palmer's Singapore-based company, established in 2019, could use foreign investor rights in the Singapore-Australia free trade agreement to claim billions in compensation because the WA government passed legislation terminating a legal dispute over an iron ore project, which had been running since 2012.

This is the same tactic, known as forum shopping, that was used by the Philip Morris tobacco company when it sued the Australian government for billions of dollars over Australia's plain packaging law.

The reported Palmer case exposes again the unfairness of the ISDS system. The Singapore-Australia FTA ISDS provisions have clauses which are intended to safeguard against forum shopping, but the Australian government would have to argue that the case not proceed, incurring legal costs. The lack of precedents means there is no guarantee that the tribunal will decide in the government's favour.

This is yet another example of why ISDS should be excluded from all trade agreements.

12. Japan backs ISDS in fierce debate at Energy Charter Treaty review

[Reports](#) on the Energy Charter Treaty process to 'modernise' continue to demonstrate entrenched opposition to efforts to make it support the Paris Climate Agreement to limit global warming to less than 2°C.

The European Union has proposed amendments that reinforce governments' "right to regulate" on issues like public health and the environment. But any change requires unanimous agreement by the [ECT's 53 signatories](#).

[On September 8, 2020](#), 97 European Parliament MPs and another 49 MPs from national parliaments in Europe [called for](#) the "EU negotiators to ensure that the provisions in the ECT that protect foreign investment in fossil fuels are deleted and thus removed from the ECT. Similarly, ISDS provisions need to be scrapped or fundamentally reformed and limited. If this is not achieved at the end of the 3rd negotiation round planned for the autumn, we ask EU Member States to explore pathways to jointly withdraw from the ECT by the end of 2020".

This follows an [open letter from 278 civil society groups](#), including AFTINET, that made similar demands.

The ECT has been a vehicle for ISDS claims over phasing out nuclear power and coal power.

A written submission from Japan [published by the ECT secretariat](#) in October 2019, before modernisation talks began, rejected language on the “right to regulate” and changes to the investor-state dispute resolution (ISDS) mechanism. [Japan is the only G7 country still building coal-fired power plants](#), both in Japan and overseas.

Friends of the Earth campaigner Paul de Clerk said the decision not to discuss broader reform, shows “the ECT will continue to promote an ISDS model that was declared unacceptable by the EU and its member states a couple of years ago. Therefore, it is time to leave the ECT.”

The treaty’s initial objective was to shield oil and gas companies from “political risk” when investing in the former Soviet bloc countries in the early 1990s. It came into force in 1998. It received a major blow in 2009 when Russia withdrew from the Treaty. Now it has transformed into a platform for western corporations to sue European governments who have moved against [nuclear](#) and fossil fuel energy systems in favour of renewables.

In the same month, German company Uniper brought an ISDS case using the treaty against the Netherlands for its proposal to phase out coal as a source of electricity by 2030.

German energy giant RWE is reportedly also asking for compensation for the expected closure of two coal-based plants in the Netherlands, one of which started operating in 2015 at a cost of €2.8 billion.

13. Pesticide residues in imported food – deregulation at work

A [study](#) published by Friends of the Earth Australia in May exposed a serious level of pesticide residues on foods imported into Australia in the period 2017-19. The data came from Australian Quarantine and Inspection Service monthly [Failing Food Reports](#).

Foods which are not considered a “Risk Food” are called “Surveillance Foods” and 5 per cent of consignments are tested. Surveillance Food where pesticide tests are carried out include fruit, fruit juices, and vegetables.

There was a total of 400 pesticide detections at or above Maximum Residue Limits (MRLs) between 2017-19, with a total of 47 different pesticides breaching MRLs. Many food consignments had multiple pesticide breaches.

China was the country with the most pesticide breaches (148), followed by India (93), Vietnam (44) and Thailand (35). These 4 countries represented 80 percent of the pesticide breaches. About 37 per cent were from China alone.

Australia’s trade with China is regulated by the Sanitary and Phyto Sanitary Agreement in the 2015 [China – Australia](#) Free Trade Agreement. Australia’s trade with India is regulated by the 1995 SPS Agreement in the [World Trade Organisation](#), and the trade with Vietnam and Thailand is regulated through the SPS Chapter of the 2010 [ASEAN – Australia – New Zealand](#) Free Trade Agreement.

The FoE Australia study of pesticide residues alone suggests that the SPS agreements are working more to facilitate trade rather than protecting the life and health of humans, animals and plants. Inspections are limited in scope. Detected problems persist, rather than diminish.

AFTINET advocates that requirements in trade agreements should ensure that imported products meet Australian standards and that there are adequate border inspection processes to prevent entry of foods which do not meet these standards.

14. Greens propose further review of Australia - Hong Kong FTA but no support from major parties

The Australian Greens have called for the Australia – Hong Kong Free Trade Agreement, which came into force on January 17, 2020, to be reviewed by a Senate Committee following the imposition by the central government in Beijing of the National Security Law, but the government and the Labor Opposition blocked the move.

On September 1, 2020, WA [Senator Jordan Steele-John](#) asked that the Senate Foreign Affairs, Defence and Trade References Committee to reassess the A-HKFTA.

[AFTINET had argued](#) in 2019 that the FTA should not be ratified because of repression of democracy advocates and trade unionists who opposed the extradition law from June 2019. The Australian Council of Trade Unions argued in similar terms, calling for delay until the extradition law issue was resolved.

However, the government insisted that the implementation of the FTA would, in fact, strengthen Hong Kong's autonomous status within the one country, two systems framework. "If you now navigate to the [FTA section of the DFAT](#) home page, the government still confidently tells browsers that the deal: ...reaffirms the value Australia places on the high degree of autonomy enjoyed by Hong Kong through the 'One Country, Two Systems' framework," Senator Steel-John told the Senate.