



Trade Justice Bulletin

February 2022

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1. Introduction

Dear Members,

This month, we were hoping to bring you news about a WTO decision on a proposal to waive COVID19 patent monopolies. The WTO said that its members should resolve the negotiations by the end of February, but there was no agreement and negotiations will continue at least until the next meeting in March.

This month we are also welcoming the opportunity to detail our concerns about the UK-Australia Free Trade Agreement to a parliamentary inquiry. We encourage all individual and member organisations to consider writing a submission, and to contact us if you would like to know more about the potential impacts of the deal.

Earlier in the month, we sent a membership renewal notice to all AFTINET members. If you haven't already renewed for 2022, why not [renew your membership](#) today, make a [donation](#), or [buy](#) a unique AFTINET 20th Anniversary cloth banner/T-Towel with Wilcox and Tandberg cartoons.

All the best,

The AFTINET Team.

2. WTO fails to meet deadline on COVID-19 patent monopolies waiver: action planned on March 11

As the **World Trade Organisation's (WTO)** approached its deadline for deciding on a waiver on vaccine patent monopolies, AFTINET joined with allied organisations in Australia and internationally to call on the WTO to seize the opportunity to address the global inequity in COVID19 vaccines, tests and treatments.

We published a [media release](#) and an [opinion piece](#) in the Guardian calling on Trade Minister **Dan Tehan** to go beyond his stated support for the proposal to insist that the waiver cover tests and treatments as well as vaccines. Our Convenor, **Dr Patricia Ranald**, told the press:

“Millions are dying while WTO members are still debating whether to waive monopolies and make vaccines, treatments and tests available to people in low-income countries. Trade Minister Tehan should actively sponsor proposals to ensure a comprehensive waiver covering tests, treatments and vaccines is agreed this week.”

Despite more than 200 civil society organisations from across the globe calling on WTO Director General **Dr. Ngozi Okonjo-Iweala** in an [open letter](#) to ensure the waiver was secured, the WTO failed to reach an agreement, delaying a decision until further meetings in March.

The WTO failure to decide comes after [mounting evidence](#) shows that Big Pharma has been undermining global efforts to tackle vaccine equity and [roadblocking access](#) to COVID19 treatments by filing patent applications in sixty-one countries for a key ingredient of its new COVID19 therapeutic drug, **Paxlovid**.

Ahead of further WTO meetings, global civil society is planning a [Global Day of Action](#) on **March 11** – which marks the third year of the COVID19 pandemic – to call on world leaders to waive intellectual property rights on vaccines, tests and treatments.

Save the date and we will keep you informed about social media and other actions for March 11.

3. Have your voice heard on the Australia-UK free trade deal

Following the announcement of a free trade deal between Australia and the UK late last year, a public parliamentary inquiry into the agreement has been launched. The inquiry will allow civil society organisations and individuals to make submissions concerning the potential impacts of the agreement.

AFTINET is preparing a submission and members are encouraged to lodge their own submission to the inquiry before 18 March 2022.

To learn more about our concerns and how to write a submission, click [here](#).

4. Parliamentary committee recommends that UK and Taiwan should join the CPTPP, but not China

A parliamentary inquiry into the expansion of the **Comprehensive and Progressive Trans-Pacific partnership (CPTPP)** has released its report, recommending that Australia support the applications of the **UK and Taiwan**, but places conditions on support for **China's** accession.

We argued to the inquiry in our written submission that the CPTPP mega-deal should **not be expanded** without first addressing the flaws we identified in the agreement when it was signed in 2018.

Why? Because the CPTPP includes:

- Corporate rights to sue governments (**Investor-State Dispute Settlement or ISDS**)
- Restrictions on government regulation of essential services like aged care and state regulation of carbon emissions
- Exploitation of temporary migrants
- Reduced capacity for local industry development
- Restrictions on government procurement policy and regulation of product standards.
- Labour and environment chapters that are not as legally enforceable as the other chapters in the agreement.

Overall, we argue that the CPTPP should not be expanded but should be reviewed to address these flaws.

[Read more](#)

5. Alarm raised on risk of UK companies being able to sue the Australian Government if the UK joins the CPTPP

AFTINET has raised the alarm over the possibility that British corporations will gain the right to sue the Australian Government if the UK is granted membership in the **Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)**.

Despite ruling out the right for corporations to sue governments in the [UK-Australia Free Trade Deal \(A-UKFTA\)](#), British firms may gain additional legal rights through [Investor-State Disputes Settlement \(ISDS\)](#) mechanisms contained within the CPTPP.

This mechanism may be used by corporations to gain compensation through an international tribunal if they can claim that a change in law or policy will harm their investment. In the past, claims have been sought on public interest regulation, including environmental protections, public health measures, and workers' rights.

Our submission to the DFAT inquiry on the UK joining the CPTPP argues that it would be **inconsistent and dangerous** to exclude ISDS from the A-UKFTA, yet enable ISDS to apply to Australia and the UK in the CPTPP. We recommend instead that Australia should insist as a condition of support for UK joining the CPTPP that both governments agree that ISDS provisions are not applied to each other. Australia has a similar CPTPP agreement with the government of New Zealand.

[Read more](#)

6. New Zealand and Philippines seek to exclude Myanmar junta from RCEP trade deal

Both **New Zealand** and the **Philippines** have announced that they will [not recognise Myanmar's ratification of the RCEP](#). Myanmar's membership of RCEP was also hotly debated in Australia last year, with AFTINET and the ACTU arguing that Myanmar should not be part of the agreement, and **Labor** and the **Greens** also criticised Myanmar's human rights violations. The government-majority report of the parliamentary review of RCEP acknowledged concerns, but did not accept that Myanmar should be excluded.

[Read more](#)

7. Toxic mine to re-open after Australian gold miner sues Thai Government

Environmental defenders in **Thailand** have [slammed a decision](#) by the Thai Government to reinstate formerly revoked mining licenses following a lengthy legal battle in an international arbitration tribunal established through the **Australia-Thailand Free Trade Agreement**, paving the way for Australian mining company **Kingsgate Consolidated** to restart operations in the Chatree gold mine.

[Read more.](#)

8. AFTINET in the news

- [Trade rules have thwarted global efforts to fight Covid: the WTO must deliver on a vaccine IP waiver](#), The Guardian, Dr. Patricia Ranald