



BULLETIN August 2022

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1. Introduction

Dear Members,

Our former Trade Justice Coordinator Tim Ginty took up an attractive job offer in July and AFTINET is advertising this position, with applications closing on September 2. Please share the job advertisement in your networks.

The Joint Standing Committee on Treaties is now reviewing the India and UK trade agreements signed by the Morrison government. AFTINET has made submissions and is urging the Labor government to change them where their provisions are contrary to the new government's policy.

AFTINET joined with six other organisations on August 9 to urge the Labor government to take action in favour of fair global distribution of COVID-19 vaccines, tests and treatments. The August 15 announcement that Moderna will build a factory at Monash University to produce mRNA vaccines will not address this problem because Moderna does not share its intellectual property during this pandemic.

Global mining and energy companies are using Investor-State Dispute Settlement (ISDS) in trade agreements to sue European and Canadian governments over policies to phase out fossil fuels. The Albanese Labor government could face similar claims for massive damages from global corporations

using ISDS provisions in some trade deals. Labor should implement its policy to remove ISDS from trade deals.

AFTINET relies on your support to continue our campaigns. If you have not already done so, you can renew your AFTINET membership [here](#), and / or donate [here](#).

Please share items from this Bulletin with your networks and friends.

Thanks and keep safe.

The AFTINET Team

2. Job Vacancy – AFTINET Trade Justice Coordinator

The Australian Fair Trade and Investment Network (AFTINET) is a network of community groups and individuals that campaigns for fair trade based on human rights, labour rights and environmental sustainability (see www.aftinet.org.au).

This is an exciting opportunity in global justice advocacy for a graduate in a relevant discipline with at least three years' work experience relevant to the skills in the selection criteria below. The position is for 28-35 hours per week for one year, renewable depending on funding. Remuneration, including 10.5% superannuation, is \$82, 000 for 28 hours and \$96,000 for 35 hours.

The focus of the campaigns is the social impact of trade agreements, including bilateral agreements like the Australia-UK Free Trade Agreement, regional agreements like the Regional Comprehensive Economic Partnership (RCEP), and World Trade Organisation agreements.

JOB DESCRIPTION

The Trade Justice Coordinator reports to the Convener and the management committee. Key tasks of the role include:

- analysis of the text of trade agreements for submissions to DFAT and to parliamentary inquiries.
- circulating draft submissions to members, incorporating feedback
- attending meetings with DFAT negotiators
- organising meetings with politicians
- organising and speaking at public meetings and meetings with member organisations
- monitoring media on trade negotiations and writing media releases, website posts and social media posts as required
- writing and distributing regular bulletins
- organising monthly management committee meetings
- maintaining membership records, organising membership subscriptions and renewals and assisting with fundraising activities

SELECTION CRITERIA

The successful applicant should have a degree in a relevant area of study and must be able to demonstrate:

- commitment to human rights and trade justice principles;
- excellent written and verbal communication skills;
- ability to represent agreed policy positions;
- knowledge of political and government structures and policy processes;
- understanding of trade agreements, Australia's trade policy and how they relate to human rights and social policy issues;

- skills in consultation with community groups and membership-based organisations;
- ability and experience in using word processing, website and database packages;
- skills in using social media for advocacy and campaigning;
- proven ability to work with limited supervision and an ability to meet deadlines;
- commitment to EEO, WHS and cultural diversity practices.

Applications must address the selection criteria and include a CV and contact details for two referees. Please send your application by email by close of business, September 2, to Lesley Gruit, Selection Committee Chair lesley.gruit@gmail.com.

The link to the job advertisement is [here](#).

3. UK FTA faces UK popular opposition and legal challenge over secrecy and lack of consultation

The UK House of Commons trade committee has requested the Trade Minister for a full debate before ratification, and [criticised its inability to scrutinise the deal](#) properly. This followed an [independent report](#) from the Trade and Agriculture Commission confirming that the trade deal will affect employment in the farm and food sectors and could lower environmental, food safety, and animal welfare standards.

New polling commissioned by UK groups Trade Justice Movement and Global Justice Now has [found](#) that 78 per cent of Britons want MPs to debate the pros and cons of new trade deals before they come into force.

A Freedom of Information (FOI) request has revealed that [Liz Truss](#) – the then-Trade Secretary from 2019 to 2021 and now Tory leadership contender – received detailed warnings about the harsh impact on the farming and food sectors. However, the forecasts of losses – from both the Australia and New Zealand agreements – were kept secret when talks were launched in 2020.

The UK Government, which is in turmoil over the replacement of Prime Minister Boris Johnson, refused a Ministerial statement and a full debate, but the Labour Opposition asked one [urgent question](#), which enabled short critical statements about the lack of democratic process from Opposition and some rural government MPs.

The Tenant Farmers' Association, Compassion in World Farming, the Trade Justice Movement, World Wide Fund for Nature and others have [filed a formal complaint](#) to the Aarhus Convention, an international environmental agreement that requires public consultation on decisions by governments or public sector bodies that could impact on the environment. The debate will resume in September.

Australia-UK Free Trade Agreement public hearings likely in September

The submissions for the Australia-UK Free Trade Agreement closed before the May election. The [Joint Standing Committee on Treaties](#) (JSCOT) will consider all previous submissions.

The Australia - UK FTA is much more extensive and deregulatory than previous agreements. It does not include foreign investor rights to sue governments (ISDS) but does include removal of labour market testing, the expansion of federal and state government commitments on government procurement, and has fewer exemptions for state government regulation on services and investment. It does have labour rights and environment standards chapters but these are less enforceable than the rest of the agreement.

The AFTINET submission is [here](#).

Public hearings are likely in September. The date for the JSCOT report to Parliament is November 16, 2022, followed by voting on any enabling legislation

4. India – Australia Interim Economic Cooperation Agreement

Labor has a policy for a more transparent public and parliamentary process for future trade agreements. See the AFTINET critique of the current process [here](#) and Labor policy [here](#).

However the government is proceeding with the very limited JSCOT review process for the Indian and UK agreements which were signed by the previous government before the election.

The JSCOT will hold public hearings and report to parliament on November 18, before voting on any enabling legislation. AFTINET has prepared a detailed submission [here](#).

The interim IACEPA was negotiated in haste and without consultation with civil society organisations under the previous government. Some of its provisions are not consistent with the current government's policy. The interim agreement contains only 14 chapters out of a possible 20 or 30 chapters and commits to negotiations for a comprehensive agreement which would include further chapters.

AFTINET's submission recommends that those provisions in the interim agreement on industry policy, trade in services and temporary movement of natural people and which are inconsistent with government policy be removed before ratification.

Failing this, the government should ensure that such provisions are removed during the comprehensive negotiations. This submission makes detailed recommendations for a more transparent and democratically accountable process to be followed for the negotiation of the comprehensive agreement, consistent with the current government's policy.

Further the government should ensure that the framework of the agreement does not inhibit government policies of support for active local industry policies and the development of renewable energy industries, including government procurement policies. Other provisions like ISDS and the removal of labour market testing for temporary workers, which are not in the interim agreement and which are contrary to current government policy should be excluded from the comprehensive agreement. Government should also ensure that, consistent with its policies, the agreement includes enforceable international labour rights and environmental standards.

5. Australian vaccine production hub should share technology and know-how for global vaccine justice

On August 15, 2022, the Australian and Victorian governments [announced](#) a 10-year contract for public funding for US pharmaceutical company Moderna to partner with Monash University to produce mRNA vaccines in Australia.

The manufacturing project aims to protect Australians against future pandemics, support local industry and create highly skilled local jobs, all of which are welcome goals. There is also a separate research initiative by Monash University and the Doherty Institute which is conducting [clinical trials](#) for a new-generation vaccine designed to protect against the Omicron variant.

However the manufacturing contract is secret, and it is not clear that public funds invested will assist in tackling the continuing shocking inequity in global distribution of COVID-19 vaccines and treatments. While vaccination rates are 80-90 per cent in high-income countries, they are still only 20 per cent in low-income countries.

Millions are still dying because the few pharmaceutical companies with COVID-19 vaccine and treatment patents can charge high monopoly prices which rich countries can afford but low-income countries cannot. Addressing this inequity requires the sharing of technology and know-how for vaccines and treatments to increase global production at affordable prices.

The recent [decision by the World Trade Organisation](#) (WTO) for restricted sharing of some intellectual property on vaccines only, but which delayed a decision on treatments and tests until December 2022, fell short of addressing this global need, and governments must do more.

Civil Society urges more government action for equitable global access to COVID medical products

AFTINET and six other national public health, aid and development and human rights organisations [wrote to the new government](#) on August 9 urging them to make sharing of intellectual property technology and know-how a condition of government support for pharmaceutical companies manufacturing in Australia. This principle should apply to the Moderna manufacturing plant and to public funding for the development of the Monash - Doherty Institute vaccine. The organisations also urged government to support:

- proposals from developing countries for a concerted WTO work program to ensure the WTO decision applies to tests and treatments by December 2022;
- COVID-19 vaccine manufacturing hubs in developing countries;
- provisions in the proposed World Health Organization pandemic treaty that require the sharing of intellectual property for medical tools in future pandemics.

WTO intellectual property rules give 20-year monopolies on vaccines and treatments to a few pharmaceutical companies, ensuring they control quantities, price and distribution. Most COVID-19 vaccines and treatments, [developed with government funding](#), have been sold at high prices to wealthy countries. Millions of people are dying while new variants spread and companies such as Pfizer reap revenues of [\\$US36 billion](#) in a single year. Waving monopolies on COVID-related medicines would enable them to be produced at affordable prices in developing countries.

Dr Patricia Ranald, Convener of the Australian Fair Trade Investment Network, said: “The winter wave of new variants in Australia where most people have been vaccinated and have access to treatments should remind us that millions are still dying in low-income countries because of lack of access to vaccines and treatments. The government must take more action to address this global injustice.”

Dr Deborah Gleeson, spokesperson for the Public Health Association of Australia, said: “Australia can and should do more to ensure essential medicines and vaccines for public health emergencies are widely available around the world, rather than reserved for rich countries. This means fundamental changes to our approach in international negotiations as well as changes to funding contracts for pharmaceutical research and development, along with practical support to low-income countries in our region.”

Anthea Spinks, Acting Chief Executive of Oxfam Australia, said: “The repercussions of this pandemic are continuing to play out globally, with COVID-19 sweeping through populations and severely hampering the ability of economies to recover. It is also helping to fuel a devastating and deadly hunger crisis in many low-income countries. We can and must do more to ensure greater access to vaccines for all people, to save lives and allow poorer countries a chance to rebuild.”

Ry Atkinson, Strategic Campaigner at Amnesty International Australia, said: “Agreements struck earlier this year at the WTO weren't enough then and certainly aren't enough now. While wealthy countries pat themselves on the back for a job well done, and carry on as though this pandemic is over, big pharmaceutical companies are laughing all the way to the bank; all while people in low-income countries continue to die unnecessarily. Member countries have one last opportunity to make a real difference, the relevance of the WTO depends on it.”

Dr Mark Zirnsak, Senior Social Justice Advocate, Uniting Church Synod of Victoria and Tasmania, said: "The COVID pandemic has highlighted the injustice of the global trade system, that favours the profits that flow into the pockets of the owners and managers of multinational corporations over the well-being of billions of people. Our common humanity requires that our government strive to place the health and well-being of people everywhere first and end the ability of wealthy corporations to capture public policy."

Health experts warn global COVID vaccine inequity persists as Australia has surplus of millions

In July, the [ABC reported](#) that over the last two years, the Federal government purchased 255 million vaccine doses from four pharmaceutical companies, with 60 million administered to Australian people, and roughly 40 million donated around the Indo-Pacific region. Even with the expected increased uptake of third and fourth doses over winter, Australia may have a surplus of over 100 million doses, some of which are due to expire.

The government is looking at options to distribute its surplus and has appointed Jane Halton to conduct a [review](#) of the government's existing vaccine contracts.

La Trobe University Associate Professor Deborah Gleeson said, "Australia really participated in a bigger trend that we've seen worldwide of wealthy countries buying up far more doses of COVID-19 vaccines than they needed early on in the pandemic."

She said that Australia and other countries should learn from previous mistakes in distributing vaccines to low-income countries. "They need to be a long way from their expiry date, they should be a mix of brands, and they should come with support to administer them.

"We really need to think about the distribution of vaccines around the world in a much more systematic way, rather than just exporting excess doses to countries that will have difficulty using them at short notice," she said.

Professor Gleeson and other advocates have also [supported](#) a waiver of WTO rules on intellectual property monopolies held by pharmaceutical companies so that production and distribution of vaccines and COVID-19 treatments can take place in developing countries at affordable prices.

See the full ABC report [here](#), and the *Conversation* article [here](#).

6. Community groups seek public consultation as Indo-Pacific Economic Forum (IPEF) meets virtually in Washington

Ministers from 14 member countries of the Indo Pacific Economic Framework (IPEF) [met virtually](#) in Washington on July 26 and 27. IPEF includes the US, Australia, Brunei, India, Indonesia, Japan, the Republic of Korea, Malaysia, New Zealand, the Philippines, Singapore, Thailand, Vietnam and Fiji.

IPEF is an initiative of the US Biden administration mainly motivated by strategic competition with China, and by US domestic politics. The US is not part of the two big existing regional trade agreements. These are the Regional Comprehensive Economic Partnership (RCEP) of the ten ASEAN countries plus five other countries, and the Comprehensive and Progressive Agreement on Trans-Pacific Partnership (CPTPP) of 11 Pacific Rim countries. The US Congress does not currently have 'fast track' authority which enables negotiation of legally binding trade agreements, and there is still strong bipartisan opposition to legally binding agreements like the CPTPP, from which the Trump administration withdrew in 2017.

The US [proposes](#) IPEF to be a trade and investment framework for US-aligned countries in the region, with the aim of achieving: high labour and environmental standards; a digital trade framework; diverse, open and predictable supply-chains; and greater investment in decarbonisation and clean

energy. These are worthy goals, but it is not clear how they will be negotiated outside of a legally binding trade agreement framework.

Dr Patricia Ranald, Convener, Australian Fair Trade and Investment Network (AFTINET), said: “IPEF cannot meet its claimed goals of improving workers’ rights and environmental standards without a far more transparent process with genuine involvement of unions, environment groups and other civil society groups.”

One hundred US groups have [called on](#) the US government to develop such an open and transparent consultation process which should also apply in Australia.

“Australia already has a series of legally binding overlapping bilateral and regional trade agreements involving IPEF countries, including the RCEP, the CPTPP, the Australia - New Zealand - ASEAN free trade agreement and numerous bilateral agreements,” said Dr Ranald.

“IPEF adds an additional forum to already complicated Indo-Pacific trade architecture. The Labor government has a policy of a public consultation process and independent assessment of cost and benefits to Australia of such arrangements. We call on Labor to implement its policy.”

7. Labor must amend trade agreements that allow foreign companies to sue the government over energy and climate policies

In an article published by [The Guardian](#) on August 10, 2022, Dr Patricia Ranald argued that the Labor government should resist threats from international energy companies to use special legal rights in some trade agreements to [sue for billions](#) if they take action to safeguard energy supplies or to phase out fossil fuels. These rights enable companies to sue the federal government if a change in law or policy reduces their profits, even if the change is in the public interest. This “right” is known as Investor-State Dispute Settlement (ISDS).

The US-owned [Westmoreland coal company](#) is suing the Canadian government because the Alberta Province is phasing out fossil fuels. The German-owned energy companies [RWE and Uniper are suing the Dutch government](#) over similar policies. European governments want to [withdraw from the Energy Charter Treaty](#) (ECT) because it includes ISDS provisions that are being used against climate change policies.

Labor's [policy platform](#) opposes ISDS in trade deals and promises to review existing trade agreements and “seek to work with Australia’s trading partners to remove these provisions”. Implementing this policy would enable effective policies to combat climate change, without the threat of being sued by foreign-owned companies.

Read the full *Guardian* article [here](#).

EU governments oppose the Energy Charter Treaty as Germany demands Uniper withdraw ISDS case against Netherlands

[Investigate Europe](#) reported at the end of July that key EU governments still want to leave the ECT because its ISDS rule permits fossil fuel companies to sue governments for billions if they decide to phase out fossil fuel use as part of the EU’s climate pledges.

In June the EU Parliament [voted to leave](#) the ECT but the EU Commission, its trade negotiation arm, negotiated some changes that leave ISDS in place for 10 years.

Germany, France, Spain and the Netherlands are still [pressing](#) for the EU to leave the ECT because they believe the changes failed to align the ECT with the EU’s climate pledges.

The changed text includes a “sunset” clause safeguarding existing investments for 20 years after withdrawal. Italy left in 2016 but is still entangled in a suit with British oil and gas company [Rockhopper](#) over an offshore drilling ban in the Adriatic Sea.

Some critics and lawyers argue that EU members could ditch the ECT *en masse* and cancel this provision between themselves, as most disputes arise within the union.

The changed ECT text will face continuing opposition in a long ratification process by EU member governments.

Meanwhile, German government opposition to the ECT has been shown by the conditions of a decision to [bail out](#) the Uniper energy company which is suffering losses because of gas price problems linked to Russia’s invasion of Ukraine. The deal is subject to Uniper withdrawing its ECT ISDS case against the Netherlands.