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Senator Don Farrell
Minister for Trade and Tourism
Parliament House Canberra
CC Senator Tim Ayres, Assistant Minister for Trade and Manufacturing

May 26, 2023

Dear Minister,

Re: the Indo-Pacific Economic Framework (IPEF) negotiations

We the undersigned 28 community organisations support the development of fair trade consistent with human rights, labour rights and environmental sustainability. We welcome Labor’s commitments to [trade policies](#) “consistent with Australian values of justice and equality, community views, workers’ rights and the interests of developing countries.”

IPEF was initiated by the US in 2022. Its [four pillars](#) are trade, including digital trade, open supply-chains, investment in renewable energy and taxation and anti-corruption standards.

IPEF includes the US, Australia, Brunei Darussalam, Fiji, India, Indonesia, Japan, South Korea, Malaysia, New Zealand, the Philippines, Singapore, Thailand and Vietnam. India has [opted out of the trade pillar](#) but is participating in the other pillars.

IPEF is not a traditional trade agreement as there will be no legally binding market access commitments and no trade penalties for non-compliance with its rules.

We welcome the exclusion from IPEF of harmful proposals like Investor-State Dispute Settlement and longer medicine monopolies which were included in some previous trade agreements. We welcome the inclusion in IPEF of objectives on human rights, labour rights and environmental standards including the reduction of carbon emissions and development of renewable energy, and of objectives of preventing and combating corruption and curbing tax evasion.

US Trade Representative Katherine Tai has said she “expects results from the talks as early as by the end of the year.” We are writing to urge you to strongly support the following proposals, which are consistent with Labor policy, and would enable IPEF to meet high standards on human rights, labour rights and environmental standards and assist the transition to renewable energy in the region.

Secrecy, Transparency and Independent Evaluation of Agreements

We welcome the Labor policy for a more open and transparent process for trade negotiations.

We appreciate that there have been briefings by DFAT on the IPEF negotiations. However this process has been limited by lack of access to the details of the negotiating text, since IPEF member governments have signed [agreements with the US](#) not to release such information for five years after the completion of the negotiations. It is difficult to make constructive comments without access to the details of what is being negotiated. We urge you to provide access to negotiating texts and to release the final text of any agreements for public scrutiny and independent evaluation of economic social and environmental impacts before they are signed.

Human Rights

The IPEF goals of “expanding meaningful access to participation in the regional economy for all sectors of society including indigenous peoples, people with disabilities, minorities, women, rural populations and local communities” will require inclusive consultation with all of these groups, the adoption of clear standards and measurable targets and timeframes set for improved participation, and evaluation of outcomes against those targets. We recognize that developing country government may require development assistance to meet these and labour and environmental goals.

Standards should be based on:

- the Universal Declaration of Human Rights
- the UN Declaration on the Rights of Indigenous Peoples
- the UN Convention on the Elimination of All Forms of Discrimination Against Women
- the UN Convention on the Rights of Persons with Disabilities

IPEF commitments should also endorse UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Corporations.

These commitments should be enforceable through government-to-government dispute processes.

Labour Rights

IPEF Labour Rights objectives are based on the International Labour Organisation’s (ILO) Declaration on Fundamental Principles and Rights at Work and the Fundamental Conventions. These are:

- freedom of association and the effective right to collective bargaining (ILO Conventions 87 and 98)
- The elimination of all forms of forced or compulsory labour (ILO Conventions 29 and 105)
- The effective abolition of child labour (ILO Conventions 138 and 182), and
- The elimination of discrimination in respect of employment and occupation (ILO Conventions 100 and 111)
- A safe and healthy working environment (ILO Conventions 185 and 187).

Each country should also develop appropriate minimum standards for working hours, wages and health and safety, in line with International Labour Standards.

These commitments should be enforceable through government-to-government dispute processes, including rapid-response enforcement based on the mechanism in the US-Mexico-Canada Agreement to address specific breaches of workers’ rights by companies.

Asbestos use is still widespread across the Indo-Pacific, endangering the lives of workers and communities. IPEF Governments should commit to a ban on the use of asbestos in supply chains across the region.

Environmental goals and the transition to a low carbon economy

IPEF environmental objectives can best be achieved through legally binding commitments from governments to implement United Nations multilateral environmental agreements, including those on biodiversity and reduction of carbon emissions, and strategies for transition to a low-carbon economy. These include:

- the UN Convention on the Law of the Sea
- the UN Convention on International Trade in Endangered Species
- the UN Convention on Biological Diversity, including the Kunming-Montreal Global Biodiversity Framework

- the UN Framework Convention on Climate Change 1992, the Paris Agreement 2015, and subsequent Climate Change Agreements at COP 26 2021 and COP 27 2022.

These commitments should be enforceable through government-to-government dispute processes.

Digital Trade and Regulation

The [agenda of companies](#) engaged in digital trade lobbying at the IPEF negotiations is deregulation of data flows and minimal corporate regulation. But recent Australian experience has demonstrated the need to regulate concentration of market power of digital media companies through the [News Media Bargaining Code](#), for stronger regulation of violations of consumer privacy and [cyber security breaches](#), the need to [regulate the rapid development of Artificial Intelligence \(AI\)](#) and to [protect the rights of digital platform workers](#). Governments must retain the right to regulate in the rapidly changing digital domain.

IPEF commitments on digital trade should ensure that government retain the rights to:

- Regulate concentration of market power by Big Tech companies;;
- Regulate cross-border flow of data and local presence to ensure consumer privacy;
- Regulate access to source code and algorithms to prevent the misuse of algorithms to reduce competition and to prevent discrimination;
- Regulate the rapid development of AI to prevent deep fake fraud and other abuses;
- Set high standards for cyber security;
- Ensure that digital platform economy workers have the same rights as other workers and that all workers' privacy and dignity is protected from intrusive digital surveillance at work.

We look forward to your reply.

Yours sincerely



Australian Fair Trade and Investment Network Convener, 0419 695 841

This letter is endorsed by the following organisations:

National Organisations

Australian Fair Trade and Investment Network
 Amnesty Australia
 The Australian Conservation Foundation
 Oxfam Australia
 The Public Health Association of Australia
 Australian Education Union
 Australian Manufacturing Workers Union
 Australian Services Union
 Public Services International Asia Pacific
 Electrical Trades Union
 Maritime Union of Australia
 Construction. Forestry Mining and Energy Union
 ActionAid Australia
 AidWatch
 Union Aid Abroad/APHEDA
 Sisters of Charity

Edmund Rice Centre for Justice and Community Education
 Missionaries of the Sacred Heart Justice and Peace Centre
 Pax Christi Australia
 St Columbans Mission Society
 The Grail Australia Peace and Justice
 Women's Network
 SEARCH Foundation
 The Music Trust

State and local organisations

Parramatta Climate Action Network
 Sutherland Shire Environment Centre
 Maritime Union of Australia Victorian Branch
 South Coast Labour Council.