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OPEN LETTER 'RELEASE THE TPPA TEXT'

The Hon. Julia Gillard
Prime Minister
Parliament House
Canberra ACT 2600

The Hon. Dr Craig Emerson
Minister for Trade
Parliament House
Canberra ACT 2600

Your Government has pledged that the Trans-Pacific Partnership Agreement (TPPA) currently being negotiated will be a new model of trade agreement for the 21st century. For us, that means it must not limit the ability of governments to address the challenges that will shape our livelihoods, our communities and our planet over the next ninety years: climate change, financial instability, energy scarcity, food security, inequality and poverty, and constraints on corporate greed.

Instead, business is lobbying for the proposed TPPA to intrude far behind our national borders in ways that could restrict financial, social, health and environmental regulation. Business also wants special rights for foreign investors to sue governments on the grounds that regulation would harm their investments. Pharmaceutical companies are demanding changes to the Pharmaceutical Benefits Scheme so they can charge higher prices for medicines, agribusiness companies want to abolish GE food labeling, and media and services companies want to weaken Australian content rules in audiovisual media, and in government purchasing. Such changes would weaken and limit the laws that will govern us for the entire 21st century.

And all these changes are being debated in secret behind closed doors. The essence of a democracy is the right of the people to scrutinize what governments are doing in their name and debate the direction of policies and laws through democratic parliamentary processes. Instead, these negotiations are conducted in secret, shielded from scrutiny by and accountability to both the public and Parliament. Citizens and legislators would never tolerate the text of domestic legislation being kept secret until it was passed.

Our concerns are compounded by the fact that signatory countries would be bound by the rules of the TPPA in perpetuity, even when an elected government has a different mandate or new realities demand different policies, because its terms can only be changed by consent of all parties.

With respect we reject the argument that draft texts are works in progress and that greater transparency would undermine negotiations. That presumes that negotiators are discussing policies that would not survive the sunshine of scrutiny by the full diversity of interests that they have a duty to serve. If the politicians who set the negotiating mandate and the negotiators who draft the text cannot convince the populace through robust, open and informed debate, they should not proceed.

Enhanced transparency in the TPPA process has many benefits. A more diverse array of informed observers with access to text can safeguard against errors and the risks posed by limited understanding of the possible consequences of proposals. An open process could also dispel current suspicions and build confidence among the public and parliamentarians that TPPA talks will indeed replace the past trade pact models through which benefits and privileges were bestowed on various special interests and large multinational firms to the detriment of the many in signatory countries.

Even the practicability argument for secrecy has been dispelled by recent practice. TPPA countries were involved in negotiations of the recently completed Anti-Counterfeiting Trade Agreement (ACTA) for which draft text was widely circulated. An even more compelling precedent is the practice of the 153-member World Trade Organization (WTO), which now posts country documents and negotiating texts on websites for scrutiny. All the countries involved in the TPPA negotiations are WTO members.

If TPPA talks are truly intended to produce a new model, then we need a negotiating process that can evaluate the costs and benefits of various positions that are being proposed. We are therefore making the following demands of the TPPA negotiators collectively:

- 1) The TPPA parties collectively establish a public website on which government and civil society organizations can post information and participate as equals in a dialogue and debate;
- 2) Post the composite draft text of each chapter as it is completed to open them to expert and public scrutiny;
- 3) Post countries' position papers on specific subjects that are tabled in each phase of the negotiations;
- 4) Guarantee that all civil society has equal access to information and engagement with the process.

We fear that failure to agree to such transparency will discredit the TPPA

negotiating process and deprive it of the goodwill needed from people and parliamentarians to make it work for the 21st century.

Sincerely

Australian Fair Trade and Investment Network (AFTINET)
Australian Catholic Social Justice Council (ACSJC)
Australian Conservation Foundation (ACF)
Australian Council of Trade Unions (ACTU)
Australian Education Union (AEU)
Australian Manufacturing Workers Union (AMWU)
Australian Nursing Federation (ANF)
Australian Pensioners and Superannuants Federation Inc (APSF)
Australian Services Union (ASU)
Australian Writers Guild
Community and Public Sector Union State Public Services Federations (CPSU-SPSF)
Finance Sector Union (FSU)
Friends of the Earth (FOE)
Greenpeace Australia
Media Entertainment and Arts Alliance (The Alliance)
Public Health Association of Australia (PHAA)
Peoples Health Movement OZ (PHM OZ)
Textile, Clothing and Footwear Union of Australia (TCFU)
Aid/Watch
Asian Women at Work
Combined Pensioners and Superannuants Association of NSW (CPSA NSW)
Conference of Leaders of Religious Institutions in New South Wales (CLRI-NSW)
Edmund Rice Centre (ERC)
Economic Reform Australia (ERA)
Fairwear Campaign NSW
Franciscan Missionaries of Mary
SEARCH Foundation
The Alliance of Expose GATS (Qld)
The Grail (Australia)
Public Interest Advocacy Centre (PIAC)
Republic Now Association
West Australian Regional Meeting of the Religious Society of Friends
WTO Watch Queensland