



## BULLETIN - January 2019

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### 1. Introduction

Dear Members,

Welcome to trade justice campaigning in 2019! The priorities this year will definitely include the ongoing negotiations for the Regional Comprehensive Economic Partnership and the European Union – Australia Free Trade Agreement.

And there is the strong prospect of a change of Federal Government, opening up the possibility of significant improvement in Australia's trade policies.

The Brexit fiasco and the US – China trade war have made it ever more clear that we need a democratic alternative to the neo-liberal trade agenda which is all about allowing giant corporations to make rules that suit their global production chains but reduce our rights.

If you are in Sydney, come to our Strategy Meeting on February 13 to help with campaign ideas for this year. We will try to hold a similar meeting Melbourne.

The Regional Comprehensive Economic partnership (RCEP) is being negotiated between 16 countries. The deal is bigger and more secretive than the TPP and is being resisted by communities in many RCEP countries. This will be our major campaign in 2019. See our latest RCEP leaflet [here](#). and our new petition [here](#).

Unfortunately, we had to say farewell to our analyst/campaigner Tamara Ryan, who moved unexpectedly to a job in Canberra for personal reasons. We thank her for her work and wish her well in her new job. The position is advertised below.

Many thanks to everyone who donated to our Christmas appeal, which raised over \$2500 and will help us to create a banner opposing the RCEP, flyers, other materials and more. Let's get started!

*The AFTINET Team*

## **2. AFTINET Strategy Meeting, Sydney, February 13, 5.30pm**



The Strategy Meeting is for AFTINET Members to hear brief presentations on the RCEP, the EU-Australia FTA and the prospects of a change of Federal Government, and then to devise activities to maximise AFTINET's impact in these processes to advance our goals for fair trade based on human rights, labour rights and environmental sustainability. We will try to organise a similar Strategy Meeting in Melbourne.

Please RSVP to [campaign@aftinet.org.au](mailto:campaign@aftinet.org.au).

## **3. Position Vacant – Trade Justice Analyst / Campaigner**

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](http://www.aftinet.org.au)). Please share this advert on [Facebook](#).

This is an exciting opportunity for an experienced graduate passionate about global justice. The position is for 28 hours per week, on a fixed-term contract, with ongoing employment dependent on funding. Remuneration including leave loading is \$42.22 per hour, plus 9.5% superannuation.

The focus of the campaigns is the social impact of trade agreements, including bilateral agreements, regional agreements like the Trans-Pacific Partnership (TPP-11) and the Regional Comprehensive Economic Partnership (RCEP), and World Trade Organisation agreements.

## **JOB DESCRIPTION**

The trade justice analyst / campaigner reports to the Convener and the management committee. Key tasks of the role include to:

- assist with analysis of the text of trade agreements for submissions to DFAT and to parliamentary inquiries
- circulate draft submissions to members, incorporating feedback
- attend meetings with DFAT negotiators
- organise meetings with politicians when required
- organise public events
- speak at public meetings and meetings with member organisations when required
- monitor media on trade negotiations and write media releases, website posts and social media posts as required
- write and distribute regular bulletins
- organise monthly committee meetings
- maintain membership records, organise membership subscriptions and renewals and assist 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 and capacity to implement EEO, OHS and cultural diversity practices.

**Applications must address the selection criteria and contain contact details for two referees. Please send your application by email by close of business, February 15, 2019, to Lesley Gruit, Selection Committee Chair: [lesley.gruit@gmail.com](mailto:lesley.gruit@gmail.com).**

### **4. Sign the PETITION against damaging clauses in the RCEP**

The RCEP is a massive trade deal being negotiated in secret between Australia, New Zealand, China, India, South Korea, Japan and the ten-member countries of ASEAN (Association of South East Asian Nations). The proposed RCEP would cover half the world's population.

In the lead up to the 2019 Federal Election, we need to tell all political parties in the Senate not to agree to damaging clauses in the negotiations.

[Sign the PETITION](#) to the Senate against damaging clauses in the proposed RCEP (Regional Comprehensive Economic Partnership) and in favour of enforceable workers' rights and environmental standards.

See more information, including a printable flyer, [here](#). You can print a hard copy of the Petition [here](#).

## **5. Union welcomes Labor policy for local jobs in government procurement as submissions due on WTO Government Procurement Agreement**

*January 22, 2019:* The Australian Manufacturing Workers Union President Andrew Dettmer yesterday [welcomed](#) the announcement of an ALP national procurement policy that will enable Commonwealth government purchasing of \$50 billion per year. He said it would create more local manufacturing jobs and training in regional Australia, and congratulated union members who campaigned for the policy.

Labor Opposition Leader Bill Shorten [said](#) that the policy would:

- increase resources for the Australian Industry Participation Scheme to encourage local small and medium-sized enterprises (SMEs) employing less than 200 workers to compete for government contracts worth more than \$10 million in areas like airports, mines and railways;
- require bidders to set out how they will test the local labour market for any new workers or suppliers required for the project or contract;
- require one in ten workers on major projects to be apprentices from the local area.

The announcement follows similar procurement policy announcements by state Labor Governments in Victoria, Western Australia and Queensland.

Mr Shorten said the policy was consistent with Australia's trade agreement obligations, which open government procurement to international firms and prohibit preference to local firms, because such agreements had exceptions for SMEs.

AFTINET has consistently [advocated](#) for trade agreements to retain the right of governments to give preference to local SMEs, and in 2017 a [cross-party parliamentary select committee](#) inquiry commended that Australia should ensure that trade agreements do not prevent government from supporting local employment.

Submissions are due on Feb 1 [the JSCOT inquiry on Australia joining the WTO Government Procurement Agreement](#). The AFTINET draft submission has been circulated to members.

## **6. The legal clause which could allow Adani to sue Australia, and other ISDS cases**

*December 17, 2018:* AFTINET convener Dr Patricia Ranald wrote an oped in [the Guardian](#) analysing the risk that Adani could sue our government for millions through Investor-State Dispute Settlement (ISDS), should their mining licence be cancelled by a future government.

Yet another example of why Labor should implement its policy against ISDS in all trade agreements, and remove it from current deals like the TPP-11.

## **Expert says dying fossil fuel industry increasingly suing governments**

*December 20, 2018:* Academic Kyla Tienhaara argued in [The Conversation](#) that fossil fuels have no future but companies are using ISDS to sue governments as they act to reduce carbon emissions.

She notes that the US Westmoreland coal company is using the North American Free Trade Agreement (NAFTA) to sue Canada because Alberta Province is phasing out coal-based power. The provincial government offered major utility companies transition payments to switch to gas and renewable energy. Westmoreland did not receive payment, because coal mining companies have no role to play in the energy transition. The company is claiming unfair treatment.

Canada and the US have recently agreed to end ISDS after three years in the revised version of NAFTA but the new deal has not yet been ratified by each government. There are fears that there will be more cases over the next three years.

## **US mining company sues Mexico over tax and environmental regulations**

*January 8, 2019:* Using the Investor-State Dispute provisions of the current North America Free Trade Agreement, a USA mining company, Legacy Vulcan, lodged a claim for US\$500 million against the Mexican government on January 3, 2019. It cited tax and environmental regulations in its claim, of which it first gave [formal notice](#) on September 3, 2018.

Legacy Vulcan and its subsidiary, Calica, have been mining limestone in Mexico's Yucatan Peninsula since the 1980s. Mining operations expanded from 1996 at two sites: La Adelita and El Corchalito.

The company has accused the Mexican State of Quintana Roo of seizing funds from the company's bank accounts to recover taxes which the company argues are not payable.

The company has also objected to changes to the Ecological Ordinance Program of the Cancun-Tulum Corridor, an environmentally sensitive area, which prohibits mining at El Corchalito, claiming expropriation.

Under the new proposed US-Mexico-Canada Agreement (USMCA) there will no longer be Investor-State disputes between Canada and the USA, and only oil industry cases against Mexico, but this has not yet been ratified.

## **7 Leading economist slams TPP-11 as Malaysia reviews ratification**

*January 17, 2019:* While the TPP-11 came into force on December 30, 2018, with six of the eleven signatories ratifying, the new Malaysian government has not ratified the TPP-11 and is seriously reviewing their entire approach to trade and investment agreements.

A key economic adviser to the new government, [Jomo Kwame Sundaram](#), wrote on [January 8](#) that the rebadged Comprehensive Progressive Trans-Pacific Partnership had much more to do with US geopolitical goals than improving trade, and that as TPP-11 the possible economic gains from it are really derisory. He commented:

“The CPTPP has committed Malaysia to further trade liberalization, accelerating deindustrialization, besides constraining the growth of modern services, development finance and ‘policy space’”.

Jomo called for a turn away from bilateral and regional free trade agreements, towards a revival of the multilateral World Trade Organisation. “At the national level, developing country governments should amend legislation and policy in line with their needs, especially for development, not at the behest of corporate lobbyists or geostrategic priorities,” he concluded.

## **8 Indonesian Civil Society wins major case on trade and investment deals**

*January 9, 2019:* A [decision by the Indonesian Constitutional Court](#) on November 22, 2018, has found that the Indonesian President cannot approve trade agreements without presenting them to the House of Representatives for approval. All such agreements will need to be reviewed.

More generally, the decision widened the definition of a treaty which required House of Representatives approval, and requires extensive public consultation on economic, social, human rights and environmental impact of treaties before they are finalised.

Treaties that could be affected include the Indonesia-Australia CEPA, Indonesia-Europe FTA (IEFTA), the Indonesia-Singapore Bilateral Investment Treaty (BIT), and the Agreement of AIIB - *Asian Infrastructure Investment Bank*.

As well, the Constitutional Court said that the involvement of the state in international treaties under the pretext of world order should not conflict with the principles of independence, peace and social justice. Civil society groups argue that this should mean that treaties which harm the people’s interests or offend social justice should not be ratified.

The case was brought to the Constitutional Court by the Advocacy Team for Economic Justice, comprising Indonesia for Global Justice (IGJ), Indonesian Human Rights Committee for Social Justice (IHCS), Indonesian Peasants Union (SPI), FIELD Indonesia, KIARA, Bina Desa, Indonesian Peasants Alliance, Women Solidarity, Palm Oil Farmers Union, and five individual Salt Farmers.

## **9 Brexit turbulence underlines need for Australia to push for fair trade system**

*January 16, 2019:* The massive rejection of British Prime Minister Theresa May’s *Brexit Withdrawal Bill* on January 15 supercharged the drama over the future of Europe and the future of trade and investment deals world-wide.

The pro-Brexit Conservatives passionately object to the role of the European Court of Justice, the European Convention on Human Rights and European regulation of goods and services, as well as the freedom of movement of EU citizens, which has been expressed in racist terms. However, what the Brexiteers call “EU red tape” is often the respect for human equality, protection of workers’ rights, human rights and the environment, which have resulted from struggles by unions, environment groups and other social movements. home country.

The Australians who champion Brexit are led by former Prime Minister [Tony Abbott](#) and former Foreign Minister and High Commissioner to the UK [Alexander Downer](#). Abbott’s ‘[turn back the boats](#)’ policy appeals to the racist Right in Europe and the UK.

On October 3, 2016, [Abbott told](#) a business breakfast in London that a no-deal exit from the EU would allow the UK to pursue an “absolutely free” trade deal with Australia. “There should be no need for tortuous negotiation and labyrinthine detail,” he said.

However, the UK Brexit debate has clearly demonstrated that Abbott and Downer had grandly over-simplified the situation. The level of uncertainty about many arrangements, such as air traffic, finance sector regulation, and supply of many goods shows that a UK exit from Europe is multi-layered and complicated.

Abbott and Downer want a deal to give more rights to global corporations and ignore human rights, labour rights and environmental protections. These are the very issues which have caused the global trade processes in the World Trade Organisation and even in regional arrangements like the Trans-Pacific Partnership to seize up or lead to sharp disagreements.

The better alternative is for a radical review of regional agreements like the TPP-11 and the European Union, and the multilateral World Trade Organisation. We need to shift their focus from mega-corporate demands for little or no regulation of their supply chains, towards embedding the rights of nations and peoples to define their own development path, and to enhance their democratic rights, human development and environmental sustainability.

## **10 What is Trade Justice and how does it relate to Labor Policy?**

*December 16, 2018:* Dr Patricia Ranald outlined AFTINET's vision for trade justice at a fringe event at the ALP National Conference, as an alternative to both Trump's trade wars and current neoliberal trade policies, which for many people have not delivered [promised jobs and growth](#), and have contributed to growing [inequality](#).

Labor's stronger policy should mean that they will oppose harmful TPP-like provisions in future trade deals like the Regional Comprehensive Economic Partnership, [RCEP](#), which will continue to be negotiated through 2019. But there is still more work to be done to achieve trade justice.

Implementation of any progressive trade policy will not happen without our constant vigilance and campaigning. Read the full talk [here](#).