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AFTINET Bulletin No. 174 **July 2011**

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1 Trans Pacific Partnership Agreement (TPPA) – Petition – ACTION NEEDED

AFTINET has commenced a petition to the Government about the Trans Pacific Partnership Agreement (TPPA) asking the government not to support any agreement which undermines Australian health, social, cultural and environmental policies and calls for the government to support the inclusion of enforceable labour rights and environmental protections in the agreement, and to support publication of the text of the agreement for public and parliamentary debate before it is ratified.

To sign the petition and/or download a copy to collect signatures go to the AFTINET website: <http://aftinet.org.au/cms/trans-pacific-partnership-agreement/tppa-petition-house-representatives> and follow the links to download the petition.

Completed petitions have to be returned to the AFTINET office by close of business on 12th August 2011.

AFTINET has launched its Face Book page with the petition taking centre stage – follow this link to our Face Book page:

<http://www.facebook.com/pages/Aftinet/219004528130731?sk=wall>

Put a link to the AFTINET website and/or Face Book page on your website or personal webpage asking people to follow the link to sign the petition.

2 New leaflet about the TPPA:

Workers' rights, not corporate rights

The US business agenda for the TPPA is about more rights for corporation, but less rights for workers, and less ability for governments to make laws in the public interest. Find out more by reading the leaflet.

An electronic copy of the leaflet is available for download from the AFTINET website: <http://aftinet.org.au/cms/sites/default/files/FairTrade%20Workers%20Rights%20020611.pdf>.

AFTINET is able to supply bulk copies of the leaflet but will need you to cover the postage costs. If you wish to order bulk copies please download an order form from our website: www.aftinet.org.au or call AFTINET on 02 9212 7242.

3 Phillip Morris - Lawsuit.

AFTINET has called on the government to stand firm in the face of the lawsuit from Phillip Morris challenging the government's plain packaging proposal for cigarettes. The company is using its Hong Kong subsidiary to sue the Australian government under the terms of an obscure bilateral investment treaty which Australia signed with Hong Kong in 1993. The company has resorted to this because there is no investor-state dispute process in the Australia US free trade agreement, and the government has said it will not agree to this process in the Trans-Pacific Partnership Agreement.

The lawsuit highlights the dangers of signing up to Investor-State Dispute process in trade and investment agreements, which give a single corporation the right to sue governments over health and environmental legislation. The government is standing firm and proceeding with the legislation, and most legal opinion suggests that Phillip Morris's action will not succeed, but it may delay the legislation and cost millions in legal fees.

A copy of AFTINET's media release is available from our website by following this link: [http://aftinet.org.au/cms/sites/default/files/Media release tobacco 270611.pdf](http://aftinet.org.au/cms/sites/default/files/Media%20release%20tobacco%20270611.pdf).

The following is to an article by ANU Academics Dr Kyla Tienhaara and Associate Professor Thomas Faunce: <http://www.canberratimes.com.au/news/opinion/editorial/general/gillard-must-repel-big-tobaccos-latest-attack/2209168.aspx>

If you wish to view the Australia-Hong Kong Bilateral Investment Treaty it can be found here - <http://www.austlii.edu.au/au/other/dfat/treaties/1993/30.html>

4 Australian Trade Policy Review released – A Mixed Bag.

On Tuesday 12th April 2011, Dr Emerson released the Australia Trade Policy review. In place of our normal bulletin in April we released a 4 page analysis of the Trade Policy Review for all members. A copy of the analysis, media release and previous articles on the Trade Policy Review can be found on our website at: <http://aftinet.org.au/cms/campaigns/australian-trade-policy-review-2010>

If you want to view the Australian government's Trade policy statement, the link is: <http://www.dfat.gov.au/publications/trade/trading-our-way-to-more-jobs-and-prosperity.pdf>

The Trade Policy Review is a mixed bag of results with the underpinning neo-liberal ideology intact – that is an unquestioning belief in the theoretical benefits of free trade and unilateralism whilst ignoring their impact on industry development and employment.

Whilst we need to keep up the pressure, there is more to change, we should take a moment to celebrate 4 significant victories for our campaigns reflected in the Trade Policy Review.

These victories are:

- 1 No Investor-State Dispute Process – including no longer requiring them of developing nations.
- 2 No further expansion of Intellectual Property Rights – meaning the government should resist any proposed expansion of Intellectual Property Rights and any further changes to the Pharmaceutical Benefits Scheme demanded by the US in the Trans Pacific Partnership Agreement.
- 3 Possible improved Transparency – consideration of Trade Agreements by the Joint Standing Committee on Treaties (JSCOT) before ratification by cabinet. We still need to clarify the exact process.
- 4 Qualified support for the inclusion of labour and environment provisions in Trade Agreements. Unfortunately enforcement processes are unclear which could undermine the inclusion of these provisions.

We need to hold the government accountable to the new policy to ensure that it is implemented.

PACER-Plus and the Australian Trade Policy Review – Not a Mention:

An interesting aspect of the trade Policy Review is that PACER-Plus is the only agreement currently under negotiating or consideration that is not mentioned. This was also the case in the recently concluded WTO Review of Australia.

The Parliamentary Secretary for Pacific Island Affairs was reported to be coordinating a review of Australia's approach to PACER-Plus, but this was subsequently denied (see reports on PACER-Plus – Item 6).

Convenor of AFTINET Dr Patricia Ranald was interviewed by Radio Australia's PACBEAT program about this omission. The story can be read and heard on the web: <http://www.radioaustralia.net.au/pacbeat/stories/201104/s3189592.htm>

(**Sources:** Gillard Government trade Policy Statement: Trading Our Way to more jobs and prosperity – available from <http://www.dfat.gov.au/publications/trade/trading-our-way-to-more-jobs-and-prosperity.html>)

5 Trans Pacific Partnership Agreement (TPPA) – UPDATE

Location and Timing of 2011 Negotiations:

The following are the dates and locations of the remaining negotiating rounds for 2011.

The 8th round is from 6 – 11 September, San Francisco, US:

The 9th round is from 24 – 28 October, Lima, Peru.

The 10th round will be in November, Honolulu, Hawaii USA (unofficial).

Call for UN Intervention on Intellectual Property Rights:

The UN Special Rapporteur on the Right to Health, Anand Grover, has been asked to issue an Urgent Appeal to the governments negotiating the Trans-Pacific Partnership Agreement (TPPA). The complaint centres on the US' draft intellectual property chapter for the TPPA, leaked in February. It alleges the US proposals "significantly erode the public health safeguards and flexibilities contained in

international documents” and “infringe upon the human right to health”, including “access to medicines and medical treatment”, that has been “derived from, or affirmed in, numerous international documents”.

Book: AFTINET reminds members that a book on the Trans-Pacific Partnership Agreement is available for purchase, with AFTINET benefiting from Australian sales of the book.

No Ordinary Deal - Unmasking the Trans-Pacific Partnership Free Trade Agreement. Edited by Jane Kelsey. Published by Allen & Unwin

Order form can be downloaded from the AFTINET website:

<http://aftinet.org.au/cms/sites/default/files/No%20Ordinary%20Deal%20A4%20Flyer.pdf>

Media Coverage: As media coverage occurs the items are placed on our website on the TPPA Campaign media page: <http://aftinet.org.au/cms/tppa-media-reports-our-campaign>.

UPDATED ACTION: We ask that organisations ensure that their link to our email/letter campaign is up-to-date so that this part of the campaign is available to their membership to participate in. Our campaign email and letter have been updated. Emails and letters are directed to the Trade Minister, Dr Craig Emerson. We encourage you to put the following updated link to the e-mail campaign on your website: <http://aftinet.org.au/cms/tppa-campaign-email-craig-emerson-don%E2%80%99t-trade-away-vital-social-policies-0>

For those who do not want to use email a letter is available:

<http://aftinet.org.au/cms/sites/default/files/Emerson%20letter%20new%20policy%200611.doc>

Individual Actions: Individuals are encouraged to join the TPPA campaign through both our new petition (see first story in this bulletin) and our email/letter campaign to Dr Craig Emerson, the Trade Minister. Please go to our TPPA Campaign website page: <http://aftinet.org.au/cms/trans-pacific-partnership-agreement/trans-pacific-partnership-agreement>.

You can also place a link to the AFTINET website: www.aftinet.org.au or AFTINET Face Book page <http://www.facebook.com/pages/Aftinet/219004528130731?sk=wall> on your website or personal web page.

(Sources: TPPA allies listserve, Australian Trade Minister Media Releases, DFTA briefing papers, Public Citizen)

6 WTO Update:

Vanuatu WTO Accession:

Vanuatu has passed the final stage for accession to (joining) the WTO. It is expected that they will be formally admitted at a special meeting of the WTO General Council at the end of 2011. Civil society in Vanuatu is continuing to fight the WTO accession alongside a group of parliamentarians. They maintain that there is hope that it will not be ratified by the Vanuatu parliament.

AFTINET is supporting the civil society movement, business and several parliamentarians in Vanuatu who are calling for a cessation of the accession

process. A copy of AFTINET's letter in support of Vanuatu civil society is available from our website:

<http://aftinet.org.au/cms/sites/default/files/Vanuatu%20WTO%20Protest%20Support%20Letter%20June%202011.pdf>

Doha Round Update:

Negotiations on the Doha round have reached the stage of deadlock. The chairs of committees released texts, as threatened, prior to Easter. At the general Session on May 2nd both WTO Director General Pascal Lamy and the US Ambassador to the WTO Michael Punke identified gaps in market access in NAMA, Agriculture and Services.

The EU has presented a last minute proposal on market access which it hopes will overcome the impasse. The US says that is studying the proposal carefully. The EU proposal is limited to "the three biggest, economically most important sectors of chemicals, machinery and electronics" on top of the tariff cutting formula. Given that these three areas, particularly chemicals and electronics, come with increased intellectual property rights it may not be the impasse breaker that the EU believes.

But the give away that this won't solve the problem comes from US Ambassador Punke who said: "The key threshold question is whether this or any other proposal can serve as a catalyst for real negotiations -- for true give and take."

There continue to be reports that the G11 (which includes Brazil, US, China and India) have started discussions on exit strategies from the Doha negotiations that won't damage or destroy the WTO.

Professor Jagdish Bhagwati, the co-chair of the High-level Expert Group on Trade set up by Germany, Britain, Indonesia and Turkey reports that "British Prime Minister David Cameron, German Chancellor Angela Merkel, and Indonesian President Susilo Bambang Yudhoyono have unequivocally endorsed the recommendation of the High-level Expert Group on Trade, which Peter Sutherland and I co-chair, that we ought to abandon the Doha Round if it is not concluded by the end of this year".

It would now appear that we are entering the end phases of Doha. It is possible, but highly unlikely, that this realisation will cause some real movement.

(Sources: DFAT Doha Briefing papers, Third World Network, OWISNF network, PACTrade, WTO General Council Minutes May 2nd 2011)

7 PACER Plus Update (see also section on Trade Policy Review above):

The release of Australia's Trade Policy Statement caused some uproar in the Pacific when PACER-Plus was not mentioned, the second oversight in a month as it was also not reported on in Australia's recent WTO Review. Initial reports were that this was because PACER-Plus was under review subsequently this has been denied by the Minister and the Parliamentary Secretary – though there is still no explanation for PACER-Plus not being included.

The Pacific Island Forum Trade Officials Meeting (PIFTOM) in Koror, Palau from 14-15 March focused on the Office of Chief Trade Advisor (OCTA), its constitution, funding and independence. The Pacific Island Countries have incorporated the OCTA in Vanuatu as an Independent body whose governance is controlled by a Board of Governors made up of Ministers of Pacific Island Countries. Australia and

New Zealand have opposed parts of the new constitution. The moves are being read as a power play in the Pacific and are seen to be about Australia and New Zealand maintaining some direct say and control over the OCTA.

Funding for the OCTA officially ran out on 28th March 2011, however as there was a delay in start-up there are sufficient funds to keep the office running temporarily.

The Australian and New Zealand NGO network, in support of our PACIFIC Civil Society allies, is trying to put pressure on our respective governments to fund the OCTA and to allow the Pacific Island Countries to self determine the OCTA constitution and have complete control of the office.

AFTINET produced a media release in support of OCTA which is available from our website: www.aftinet.org.au.

The attempts from Australia and New Zealand for some control over the OCTA continued at the PIFTM meeting in Tonga on 18-20 May 2011 (see PANG report below).

PANG Reports about OCTA Constitution:

Of particular concern to island countries is Australia's attempt to influence the **Amendment of Constitution** clause. The Amendment Clause sets out terms of how the members of the OCTA can amend this Constitution. Membership is defined in the Constitution as, —Any Forum Island Country may become a Member of the OCTA. Members shall have the rights and responsibilities set out in this Constitution.

Australia's attempts to be included so as to be able to amend the Constitution would give it enormous powers particularly around areas not limited to just the scope of work of the OCTA but more importantly the Dissolution clause of the OCTA. The consequences could be very serious for example if negotiations slowed down to a halt, Australia could trigger the dissolution of the OCTA.

EU pressure:

The EU released a new policy on the Generalised System of Preference (GSP) on 10th May 2011. The GSP is special measure giving market access to developing and least developed countries.

The new policy position from the EU removes 75 developing countries from the program. This will potentially impact on PACER-Plus as it will add pressure to finalise a Pacific EPA with the EU ahead of PACER-Plus. The pressure comes from PNG and Fiji who have signed interim EPAs have been removed from the GSP. If Fiji and PNG do not move to formal EPAs they will lose this crucial preferential access to EU markets. This appears to be an attempt by the EU to force forward stalled EPA negotiations with African, Caribbean and Pacific nations.

New Australian Lead Negotiator:

In DFAT news a new lead negotiator has taken up her position at the end of April. The new lead negotiator is Sally Mansfield, who is described as being an experienced officer with Pacific and developmental expertise.

STATEMENT: PHM Position statement – PACER Plus and Health of Pacific Islanders

Further to our story in the last bulletin the People's Health Movement Australia (PHM) have issued a position statement on PACER-Plus and the health of Pacific

Islanders. Drawing from the outcomes of forums on health and trade held in Sydney and Melbourne last year, PHM's statement will inform their advocacy activities around PACER-Plus.

Go to: http://phmoz.org/wiki/images/4/46/PACER-PlusPHMPosition_17_Feb_2011.pdf to read the PHM's statement

Go to: http://phmoz.org/wiki/index.php?title=People%27s_Health_Movement_Australia for more information on health and trade in the Pacific

(Sources: PACTRADE, UN News, DFAT website, PANG Media Release, Peoples Health Movement)

8 FTA Updates:

The following FTAs have had some movement or negotiations since our last Bulletin. Those not mentioned have had no significant events or negotiations occur.

Japan-Australia FTA:

Negotiations of this FTA remain on hold whilst the Japanese Government continues to focus on the results of the natural disaster and nuclear accident.

India-Australia FTA:

On 30th April 2011 the Indian government announced its intention to commence negotiations with Australia for a Free Trade Agreement. On 1st May 2011 Dr Craig Emerson welcomed the announcement.

Dr Emerson met with his Indian counterpart on 12th May 2011 as part of the 13th Australia-India Ministerial Commission to discuss the next steps. They have set a date for the first round of negotiations to take place in July 2011 in New Delhi.

DFAT have now called for submissions with a closing date of 1st August 2011. AFTINET will place our submission to DFAT on our website prior to 1st August.

Indonesia-Australia FTA (CEPA – Closer Economic Partnership Agreement):

There is yet to be a ministerial announcement in Parliament despite the joint announcement that negotiations would begin by Julia Gillard and Susilo Bambang Yudhoyono on 2nd November 2010.

AFTINET is preparing a submission on this proposal. As yet DFAT has not called for submissions. We will keep you posted.

(Sources: DFAT website updates, DFAT Briefings, Trade Minister Media Releases)

9 Upcoming Events/Actions:

Take Action: Make Aid Transparent

AID/WATCH along with a coalition of more than forty civil society organisations from twenty countries around the world are calling on governments and other aid donors to publish more and better information about the money they give.

If targeted well, foreign aid can make a positive contribution to improving people's lives, reducing inequality and promoting justice. **But at the moment no one knows exactly how much money is being spent, where or on what.** This undermines aid's potential and its effectiveness. With more information, citizens in both donor

and recipient countries could know whether aid money was having the best possible impact.

This is why we are calling on donors to make their aid more transparent. Providing more and better information about aid isn't hard, but it will help save lives, reduce corruption and waste and deliver lasting positive change in the world's poorest countries.

As citizens we have a right to know how aid money is being spent. **So please join the campaign and sign the petition to make aid transparent now -** www.makeaidtransparent.org.

Your voice will make a difference. Governments are reviewing their commitments and if they feel public pressure they will redouble efforts to keep their promises. Sign the petition at: www.makeaidtransparent.org

Screenings of the Hungry Tide:

Tom Zubrycki's The Hungry Tide explores the effects of climate change and rising seas on the small Pacific nation of Kiribati.

MELBOURNE at Melbourne International Film Festival
Monday 1st August, 2011 at 6:30pm and Sunday 7th August, 2011 at 4:0pm
WHERE: (TBA - refer MIFF website) Melbourne, VIC.
COST: see Melbourne International Film Festival website: <http://www.miff.com.au/>.

NEXT SYDNEY SCREENING The Hungry Tide at the Chauvel
Friday 5 August 2011, Chauvel Cinema, Paddington Town Hall cnr Oatley rd and Oxford st Paddington. Film commences 7.00pm. Tickets and predrinks on sale from 6.00pm. Entry by donation: \$20 and \$15 for low income (cash only)

MORE: for information about the documentary, visit www.thehungrytide.com.au.

10 New Resources available on the web or at our website:

Analysis and media release about Australia's Trade Policy Review and subsequent Trade Policy Statement: <http://aftinet.org.au/cms/campaigns/australian-trade-policy-review-2010>

TPPA Petition: a petition to the Australian Government about the Trans Pacific Partnership Agreement: www.aftinet.org.au.

TPPA New Leaflet: Workers' rights, not corporate rights: www.aftinet.org.au.

As part of the stakeholder program alongside the 7th round of negotiations in Ho Chi Minh City, Vietnam, AFTINET's convener Dr Patricia Randal presented a paper highlighting the lessons of the Australia-US FTA. A copy is available for download by following this link: http://aftinet.org.au/cms/sites/default/files/pranald_forum190611.doc

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