



BULLETIN - July 2019

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1. [Introduction](#)

Dear Members,

The 26th round of negotiations for the Regional Comprehensive Economic Partnership Agreement were held in Melbourne from 28 June - 3 July.

AFTINET joined with unions and civil society organisations from Australia and across the region to call on member governments to release the negotiating texts before the RCEP is signed, and to remove damaging provisions in the deal that could undermine human rights, workers rights and environmental sustainability. See below for more information about our campaign actions.

If you haven't already done so, please [Sign the Petition](#) to the Senate against damaging clauses in the proposed and in favour of enforceable workers' rights and environmental standards.

The AFTINET Team

2. [Book now for AFTINET's annual fundraising dinner in Sydney on Tuesday 30 July](#)

AFTINET's trade justice fundraising dinner is fast approaching! Join us on Tuesday 30 July for an evening of delicious Turkish food, entertaining speakers and great company at our annual fundraising dinner.

There will be a raffle and an auction, and all proceeds will help AFTINET continue our campaigns on trade justice.

Our guest speaker this year is Isabel McIntosh. Isabel left a corporate career to join NSW's movement against coal seam gas in 2012. As a Lock the Gate activist she worked with AFTINET to campaign against provisions in the TPP and other trade agreements that allow global corporations to sue governments over environmental laws (ISDS). She is currently completing a PhD on grassroots media power as strategic resistance to disrupt and negotiate industry regimes.

Sydney Fundraising dinner

6pm, Tuesday 30 July, 2019.

Erciyes Turkish Restaurant, 409 Cleveland St Surry Hills, 2010.

\$79.50 per person or \$635.50 for a table of eight.

Bookings close 23 July.

Book now through Trybooking at: <https://www.trybooking.com/BDMJZ>

For more information email campaign@aftinet.org.au.

We look forward to seeing you there!

3. Report on campaign actions at the RCEP Negotiations, Melbourne 28 June – 3 July, 2019

AFTINET coordinated two campaign events in Melbourne to coincide with the 26th round of negotiations for the Regional Comprehensive Economic Partnership Agreement that Australia is currently negotiating with China, Japan, India, South Korea, New Zealand and the 10 members of ASEAN.

The RCEP negotiations are secret, but we know from leaks that it could include special rights for foreign investors to sue governments, entrench stronger monopolies on medicines, restrict the regulation of essential services and undermine human rights and the environment across the region.

AFTINET joined with civil society organisations and unions to call for:

- the release of negotiating texts before the deal is signed
- meaningful consultation with civil society
- a commitment to undertake health, human rights, women's rights and environmental impact assessments
- exclusion of Investor State Dispute Resolution mechanisms that enable global corporations to sue governments for policy decisions that impact on their profits
- the removal of provisions that could undermine the right to health and privacy, worsen workers' rights and women's, lead to the privatisation of essential services and restrict our ability to address climate change.

AFTINET's campaign actions included:

Letter from 52 organisations to the Trade Minister

AFTINET joined with fifty-two community organisations, representing millions of Australians, to write to Simon Birmingham, Minister for Trade, Tourism and Investment, ahead of the Melbourne negotiations.

The letter demanded the release of negotiating texts and asking the government to oppose clauses that would give greater rights to global corporations at the expense of peoples' rights.

You can read the full letter and the list of signatories [here](#).

Public forum on the social and environmental risks of the RCEP

AFTINET held a public forum on the social and environmental risks of the RCEP agreement on Monday 1 July at Trades Hall.

Speakers included AFTINET's convenor Dr Pat Randal on RCEP secrecy, Kara Keys, the National Campaign Manager with the ACTU on RCEP threats to workers' rights, Dr Deborah Gleeson, Senior Lecturer in Public Health at La Trobe University, on threats to public health, Thuy Nguyen Phuong, Policy and Campaigns Manager at ActionAid Vietnam on threats to women's rights in Vietnam, Professor Jane Kelsey, Professor of Law at Auckland University, on the potential of the RCEP to prevent governments from regulating giant tech companies and protecting our right to privacy, and Sam Cossar-Gilbert, International Program Coordinator with Friends of the Earth International, on environmental risks of the RCEP.

Rally against damaging provisions in the RCEP

50 activists joined AFTINET's rally at the Melbourne Convention Centre on Tuesday 2 July.

Speakers included Carina Garland from the Victorian Trades Hall Council, Thuy Nguyen Phuong from ActionAid Vietnam, Dr Belinda Townsend from ANU, Clare Middlemas from the Community and Public Sector Union (State Public Services Federation group), Samantha Castro from Friends of the Earth and Steve Murphy from the Australian Manufacturing Workers' Union.

Activists called on member countries to release the negotiation texts, exclude ISDS provisions, and remove other damaging provisions that could undermine human rights, workers rights, women's rights and the environment.



Media coverage of Melbourne RCEP Negotiations

Our activities received national media coverage in the Fairfax press and online media ([Melbourne Age](#), Sydney Morning Herald, Canberra Times and regional Fairfax media) plus ABC Radio [National Late Night Live](#).

Deborah Gleeson, Belinda Townsend and Bridget Tenni published on the health risks of the RCEP in [Crikey/Crokey](#), and Sam Cossar from Friends of the Earth published an article on RCEP, ISDS and the environment in [The Ecologist](#).

Thuy Nguyen Phuong from ActionAid Vietnam, Sam Cossar-Gilbert from FOE, Deborah Gleeson from La Trobe University, Clare Middlemas from the Community and Public Sector Union and Pat Ranald from AFTINET were quoted in a article on the RCEP by [Devex](#).

A critical statement by union peak bodies from manufacturing, building, services and domestic workers unions in the ASEAN region was also published by [Malaysiakini](#).

4. Some bad medicine proposals withdrawn from RCEP, but some remain

[The Times of India](#) reports that some proposals for stronger medicine monopolies, which would delay the availability of cheaper medicines, have been withdrawn from the RCEP negotiations. This follows strong campaigning by public health and other community groups which pressured the Indian government to reject them.

While public health activists in India and [Thailand](#) have welcomed this victory, they are still gravely concerned that intellectual property enforcement provisions remain in the RCEP text. These allow customs officers to seize and detain shipments of cheaper generic medicines in transit to destination countries, on mere suspicion of patent, trademark or copyright infringement.

Such [seizures](#) of shipments of medicines used for treatment of HIV, cardiovascular diseases, and mental health, being delivered from India and China to countries in Africa and Latin America, have taken place in the past. Generic medicine companies have had their products confiscated or been sued for damages. Public health and other community groups are campaigning to have these proposals also withdrawn from the RCEP.

5. Investor-state dispute settlement updates

June 25, 2019: New report on ten ISDS case shows human impacts of corporations suing governments over health and environmental laws

A new report "[Red carpet courts: 10 stories of how the rich and powerful hijacked justice](#)" published by Friends of the Earth, the Transnational Institute (TNI) and Corporate Europe Observatory (CEO) presents ten ISDS cases that have been filed, threatened or decided since 2015. The report aims to show the human stories behind these ISDS cases. The cases include challenges to health or environmental laws or policies that have been achieved by community struggles for better access to medicines or against toxic pollution.

June 12, 2019: UN study shows more governments rejecting or limiting foreign investor-rights to sue governments (ISDS)

A new [study](#) of trade and investment deals concluded in 2018 by the United Nations Conference on Trade and Development (UNCTAD) shows that most have either omitted ISDS altogether or severely limited its scope. This reflects growing concerns about ISDS cases based on older treaties that have no provisions to prevent or limit foreign investors from suing governments over health, environment and other public interest laws. The UN Commission on International Trade Law (UNCITRAL) is currently conducting a [review](#) of ISDS based on such concerns which has prompted sharp debate.

June 24 2019: Community groups urge ASEAN leaders to oppose ISDS in the RCEP and instead support people-centred development

Leaders of the ten ASEAN countries met in Bangkok on June 22 and [urged support](#) for the RCEP.

But [community organisation advocates](#) meeting before the ASEAN summit argued that the RCEP development model favours international investor interests over people and the environment. Shalmali Guttal from the think tank Focus on the Global South said that this investor-centred development model was reinforced by the inclusion in the RCEP of Investor State Dispute Settlement ([ISDS](#)), which gives special legal rights to foreign investors to sue governments for millions over changes in law or policy that harm their investments.

May 30, 2019: Nobel Laureate Stiglitz says ISDS is litigation terrorism which can discourage action on climate change

In a recent [interview with Reuters](#) Columbia University Professor Joseph Stiglitz has slammed trade deals that include Investor-State Dispute Settlement (ISDS). ISDS enables foreign investor rights to sue governments for millions in international tribunals over changes to environmental laws.

May 29. 2019: Report shows rapid increase in ISDS cases in 2018

The latest [report](#) by the United Nations Committee on Trade and Development (UNCTAD), which monitors known cases of global corporations suing governments, shows the number of ISDS cases reached 942 with 71 new cases by the end of 2018. This continues the rapid growth in cases over recent years and it is predicted that the total number of cases could reach 1000 in 2019.

6. Trump threat to UK National Health Service shows how trade deals can undermine public services

June 5, 2019: President Trump has shocked Britain by [declaring](#) that the US would demand that NHS be opened up to privatisation by US health and pharmaceutical companies in post-Brexit negotiations for a US-UK free trade agreement.

His brash comments reveal the often hidden truth that trade agreements are structured to encourage privatisation through foreign investment in all services, unless very specifically excluded. Public health services and access to medicines then become a bargaining chip in secret trade negotiations, rather than being determined through public democratic processes.

The TPP-11 and the proposed [Regional Comprehensive Economic Partnership](#) (RCEP) both have [services chapters](#) that open up all services to foreign investment unless they are specifically excluded, and provisions for [longer monopolies on medicines](#), that would delay access to cheaper generic medicines.

7. Unhealthy trades: EU public health group identifies health risks in trade agreements

June 3, 2019: A new [report](#) by the European Public Health Alliance has identified nine risk areas for public health in EU trade deals being negotiated with Mexico, Brazil, Argentina, Uruguay Paraguay and Chile.

The risks include giving global companies rights to bypass national courts and sue governments over health and environmental laws, stronger monopolies on medicines which delay the availability of cheaper medicines, and restrictions on health labelling of tobacco, alcohol and food. In short, trade agreements expand trade in unhealthy products while restricting the scope of governments to act to protect public health. They call for comprehensive health impact assessments of trade deals before they are signed.

AFTINET has identified the same risks in the [EU FTA](#), [RCEP](#) and other trade deals being negotiated by Australia.

8. New report shows how trade deals undermine health, environmental regulation

May 27, 2019: A new [report](#) by the Canadian Centre for Policy Alternatives and European research groups analyses the history of trade agreement provisions that seek to “harmonise” government regulation dealing with health and environmental regulation. The study includes World Trade Organisation agreements, and more recent regional and bilateral trade agreements.

The authors argue that global corporations, in the name of reducing "red tape" have lobbied successfully for reduced standards of regulation in trade agreements that suit their interests, but which can undermine the public interest. These rules can prevent government from acting in response to new information or changed conditions which require new forms of regulation, like food safety or measures to address climate change.

The deregulatory trend is of particular concern in the European Union, which has applied precautionary principles to health and environmental regulation. This principle states that, if an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically. In this context the proponent of an activity, rather than the public, should bear the burden of proof. Canada is also applying these principles in some areas.

The authors argue that the regulatory provisions in the Canada-Europe Trade Agreement and the revised US-Canada-Mexico agreement give corporations even stronger rights to influence public regulation than those in previous agreements, undermine the precautionary principle and are against the public interest.

AFTINET has made similar criticisms of the deregulatory provisions in the TPP-11 in our [submission](#) to parliamentary inquiries. Australia is also currently negotiating an agreement with [the EU](#) and the [RCEP agreement](#) with 15 Asia Pacific countries which could contain similar proposals.