



BULLETIN

October - November 2018

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1. [Introduction](#)

Dear Members,

As the silly season begins we invite you to save the date for AFTINET's Annual General Meeting on Wednesday 14 November, where Arthur Rorris from the South Coast Labour Council will speak about the impact of trade agreements on regional communities.

We welcome our new fair trade analyst and campaigner Tamara Ryan, whom you will get to meet at the AGM.

In a blow to democracy, the TPP-11 implementing legislation was passed by Australian Senate on October 18, following eight years of opposition from civil society. Labor Senators voted with the Coalition government to pass the legislation, which was opposed by the Greens, Centre Alliance and most other crossbench Senators. The huge community backlash pressured the ALP to make stronger commitments in foreshadowed [legislation](#) to ban harmful clauses like ISDS in future trade deals. We will be holding them to account for these commitments, and will monitor the TPP-11 and report on its impacts when it comes into force next year.

ActionAid has initiated an open letter to all Australian MPs calling for gender-just trade, in light of the specific negative impacts of the TPP-11 and other free trade agreements on women. You can sign up [here](#).

Read on to learn more about the review of the Peru-Australia Free Trade Agreement, the WTO Government Procurement Agreement, an update on the Regional Comprehensive Economic Partnership, and what global fair trade could look like.

Happy reading,

The AFTINET team.

2. Invitation to AFTINET's AGM 14 November 2018

The AFTINET Annual General Meeting will be held on Wednesday 14 November 2018 at 5.30pm, to which all members and supporters are welcome. AFTINET convenor Dr Patricia Ranald will report on what we learned from the [TPP 11 campaign](#) and the implications for future campaigns like the Regional Comprehensive Economic Partnership trade agreement ([RCEP](#)) and other trade deals. Special guest speaker Arthur Rorris from the South Coast Labour Council will speak about the struggle for fair regional development in the face of neo-liberal trade deals. We will also welcome our new trade analyst/campaigner Tamara Ryan.

The address is Level 7, 321 Pitt St Sydney (near corner of Bathurst St, 5 mins from Town Hall station). Please come to the ground floor lifts and follow instructions to get to level 7. Please RSVP to analyst@aftinet.org.au so we can organise enough drinks and snacks.

3. TPP-11 Campaign review

The TPP-11 implementing legislation was passed by Australian Senate on October 18 and Australia's ratification process will now proceed.

Following the majority Labor Caucus decision, Labor Senators voted with the Coalition government to pass the legislation, which was opposed by the Greens, Centre Alliance and most other crossbench Senators.

This was deeply disappointing, but not unexpected, as the ALP leadership group has majority support in the Caucus, and has never voted against implementing legislation for a trade agreement, despite [Labor policy](#) against many clauses in the TPP-11. However our campaign influenced record numbers of ALP parliamentarians to speak out in the debate before the Caucus decision. The Greens and Centre Alliance also spoke out and voted against the TPP-11.

What we achieved

AFTINET has [campaigned](#) through community education, social media, public meetings, protests and political lobbying on the TPP-12 and TPP-11 since formal negotiations began in 2010.

We contacted and met with more MPs and Senators than ever before and presented evidence to four parliamentary enquiries, as did many of our network organisations including unions, church, public health, environment, aid and development, women's and many other community organisations. Thousands of individuals sent messages to MPs and Senators through our networks and through organisations like GetUp and ActionAid. This means that

there are more people and more parliamentarians who are aware of the issues and prepared to speak about them than ever before.

We also achieved mainstream media coverage over the years which informed the public debate, most recently in the [Sydney Morning Herald](#) and [The Conversation](#).

4. Holding Labor to account on the TPP-11 and future trade agreements

The huge union and community backlash from our campaign against the Caucus decision pressured the ALP to make stronger commitments in foreshadowed [legislation](#) to ban harmful clauses like ISDS and removal of labour market testing from future trade deals, and to promise to attempt to change these provisions in the TPP-11.

If the ALP wins government, (which could happen in elections held in May next year at the latest) it will be difficult to renegotiate TPP-11 provisions with other governments once the agreement is implemented. There will also be resistance from business and from the conservative trade establishment. We will monitor and hold the ALP and other parties to account on the TPP-11 and other trade agreements.

The ALP's stronger policy should mean that they will oppose future agreements that contain these provisions like the [Peru FTA](#), the [RCEP](#) and the [Indonesia FTA](#).

ALP Shadow Trade Minister Clare has also made separate pledges to make the currently [secretive trade agreement process](#) more transparent and accountable, including release of texts during negotiations and release of final texts before deals are signed.

These policies reflect the influence of many years of our campaigning. We will continue campaigning for the ALP and other parties to be held accountable for their policies on the TPP-11 and on future trade agreements.

As mentioned above, ActionAid has initiated an open letter from organisations and individuals to all Australian MPs calling for gender-just trade, in light of the specific impacts of the TPP-11 and other free trade agreements on women. AFTINET has endorsed it as an organisation. You can endorse it [here](#).

We will monitor the TPP-11 when it comes into force

If six of the eleven countries ratify the agreement, it will come into force for those countries, and for others as they ratify. So far Japan, Singapore, Mexico and most recently Canada have ratified, New Zealand is expected to do so soon, then Australia followed by Chile, Peru, Brunei and Vietnam.

However, the newly elected Malaysian government has said it will take time to assess the impact of the TPP-11 on its [industry development and other government programs](#), and may not ratify it.

So the TPP-11 is expected to come into force for at least six and up to ten countries by the end of 2018 or beginning of 2019, and we will monitor and report on its impacts.

5. Peru-Australia trade agreement to be reviewed – submissions due Friday 2 November 2018

AFTINET welcomes the announced second review of the Peru-Australia trade agreement (PAFTA), which shares with the TPP-11 many harmful provisions. PAFTA was signed by the government in February 2018 and [reported](#) on by the Joint Standing Committee on Treaties (JSCOT) in August 2018.

Shadow Minister Jason Clare has persuaded the Trade Minister Birmingham to revisit the agreement, reflecting Labor's recent announcement that the ALP would not pass legislation for future trade agreements containing ISDS, although whether they will vote against it remains to be seen. This will be the first test of the ALP's new policy.

AFTINET's previous [submissions](#) opposed the inclusion in PAFTA of harmful Investor State Dispute Settlement (ISDS) provisions which allow corporations to sue governments for regulating in the public interest. We also objected to the confusion created by overlap with the TPP-11 and with the [Pacific Alliance Free Trade agreement](#) (still under negotiation). Peru is a member of both agreements. AFTINET is making a submission to the second review which will argue against ratification of PAFTA.

The deadlines for the review are very tight. [Submissions](#) are due on Friday 2 November and the JSCOT report will be handed down on Wednesday 21 November. We will circulate our submission and keep you informed of the outcome.

6. WTO Government Procurement Agreement to be reviewed in November

The [WTO Government Procurement Agreement Committee](#) met on 17 October and [approved](#) a decision to allow Australia to join the WTO Government Procurement Agreement (GPA), based on commitments made by Australia in negotiations over several years.

As usual it is not a transparent process and we will not see the text of Australia's commitments until they are tabled in Parliament, which DFAT says will be in the November sitting, triggering a JSCOT inquiry between November 2018 and March 2019. Since the government has a majority on the JSCOT, it is likely to recommend in favour of implementation.

The [Government Procurement Judicial Review legislation](#) was passed on October 18 as part of the TPP-11 implementing legislation, and will also apply to the WTO procurement agreement.

This enables both Australian and international bidders for government contracts to seek review in the Federal Court if they can argue that a procurement decision was contrary to the terms of either the TPP-11 or the WTO procurement agreement, such as regulation to preference local providers.

Since this legislation has already been passed, the JSCOT Inquiry will be even more of a rubberstamp than usual. AFTINET will make submissions on the JSCOT Inquiry to test whether the commitments are consistent with current Federal and state government policies for preference to small and medium enterprises, and also consistent with the [report](#) of the [Joint Select Committee on Government Procurement](#) which reported last year. The new [ALP policy](#) for future trade agreements also requires trade agreements not to restrict governments from giving preference to local firms as part of industry development policy.

7. Pressure continues in NZ for trade based on social and environmental justice

A [livestream](#) of the [conference](#) “What an Alternative and Progressive Trade Strategy Should Look Like” at Auckland University got around 17,000 online viewers this month, as the push against agreements like the Trans-Pacific Partnership (“TPP-11”) continues.

The hui, a Māori word meaning gathering or conference, asserted that trade should be an instrument used to improve the living conditions of people and relationships between them, not an end in itself.

“There is a strong sense that New Zealand’s existing approach are out of sync with those of our communities and people. In particular, they fail to recognise the benefits for all from Maori values sourced in te Tiriti o Waitangi and tikanga Maori”, said the main organiser law professor Jane Kelsey, who also [writes](#) on the subject.

The conference’s speakers advocated for “real alternatives not tinkering or incremental change.” These included learning from and respecting First Nations culture, valuing ecological sustainability, building substitutes to digital monopolies like Facebook, strengthening local procurement rules, supporting local communities, demanding a living wage for all workers, and prioritising international agreements on climate change, health and human rights above trade deals.

The huge interest shown in the conference is indicative of public pressure in NZ against agreements like the TPP-11 and in favour of progressive alternatives, just as there have been [calls](#) for alternative progressive trade policies in Australia.

8. Update on the Regional Comprehensive Economic Partnership – bigger than the TPP

The Regional Comprehensive Economic Partnership ([RCEP](#)) is a trade deal being negotiated between the ten ASEAN countries (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam) plus India, China, Japan, South Korea, Australia and New Zealand. These 16 countries account for about half the world’s population, who could suffer from the continued liberalisation of markets designed for big business to proposer.

Japan and Korea are pushing for TPP-like proposals on ISDS and stronger medicine monopolies, while India is resisting these. There are also proposals for increased numbers of temporary workers. AFTINET welcomes reports that Japan and Korea may be dropping

pushes for extension of medicine monopolies, which could deny life-saving medicines to thousands across the Global South for decades longer.

Negotiators from RCEP countries met in Auckland from October 17-24 and civil society organisations attended the above [conference](#) on October 19-20. The next round of negotiations are set to take place on 2 November.

Negotiations aim to finish by the end of 2018 but this is unlikely, with only four out of 20 chapters agreed upon. Instead there is likely to be a progress report at the APEC meeting from 12 - 18 November in Papua-New Guinea, where most of the 16 RCEP governments will be present.

See background [here](#), statement from October Ministerial meeting [here](#) and civil society critics [here](#).

9. We need fair global trade, not Trump unilateralism

There was a [reported](#) meeting this month in Beijing between Chinese and European Union trade officials about changes to the World Trade Organisation (“WTO”).

Member states have been under increasing pressure to change the WTO by the US’s “America First” tactics which reject the rules of global forums. Trump has [condemned](#) the WTO as “unfair” to the US, threatened to withdraw from the body, refused to reappoint WTO judges, and defied WTO rules in [imposing](#) huge unilateral tariffs on Chinese and other imports to the US. Trump wants China to agree to tougher rules on subsidies, state-owned companies and preferential treatment.

Although some bigger economies like China and India are now challenging the dominance of Global North countries like the US in the WTO, the US, EU and Japan remain dominant. These richer industrialised countries want greater access for their products and investments, and less regulation by governments, than is delivered by WTO agreements. This has been resisted by developing countries.

The United States, Japan, the EU and other wealthier countries like Australia have moved outside the WTO, negotiating many bilateral, and regional free trade agreements instead, which leave out or can be harmful to Global South nations. Although legally binding, these free trade agreements are usually negotiated in secret, and often limit governments’ abilities to regulate in the interest of workers or the environment.

Current trade policies in Australia and other industrialised nations give priority to the flow of goods, services, investment and finance at the expense of local development, democracy, protection of the environment, labour standards, and human rights.

It is difficult to see what reforms China and the EU could agree to that would allow the WTO to satisfy all member states or discourage the growth of bilateral and regional free trade agreements. What we need is a transparent and democratic trade system which promotes human rights, labour rights and environmental sustainability and which remedies rather than intensifies global systems of inequality.