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1 AFTINET AGM Notice – Wednesday 9th November 2011, 6:00pm.

AFTINET will be holding its AGM on Wednesday 9th November 2011 at 6:00pm. Meeting notice, agenda, activities report and other papers will be separately emailed and mailed to members.

We encourage you to attend and then remain around afterwards for some finger food, drinks and discussion.

Meeting details

Date: Wednesday 9th November 2011

Time: 6:00 PM

Where: Room 1, Level 10, 160 Clarence Street (between Market and King Sts), Sydney

Please let us know if you intend to come along so we can get our catering numbers right. RSVP to Harvey Purse campaign@aftinet.org.au, Ph: 02 9212 7242.

2 Trans-Pacific Partnership Agreement (TPPA) – Petition – THANK YOU

AFTINET appreciates all those who collected signatures and signed our petition. We are currently putting it together and will provide a report shortly.

The petition asks 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.

3 Trans-Pacific Partnership Agreement (TPPA) – UPDATE

Location and Timing of 2011 Negotiations:

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

- The 9th round is from 24 – 28 October, Lima, Peru.
- The 10th round will be in November, Honolulu, Hawaii USA (unofficial).
- Interim negotiating round in December in Malaysia.

Possible 2012 Round of negotiations in Australia

Reports have emerged that Australia will host the first round of negotiations for 2012 in March. This is yet to be confirmed. The remaining dates of negotiating rounds for 2012 will depend on the timing of next years APEC Leaders meeting hosted by Russia.

AFTINET is monitoring this proposal and will work with others to organise civil society events if it goes ahead.

Updated email/letter to Dr Craig Emerson:

In light of the ongoing negotiations and the pressing health implications a new letter and email has been placed on the AFTINET website for you to use:

<http://aftinet.org.au/cms/email-craig-emerson-don%E2%80%99t-trade-away-health>

Civil Society Update - Chicago Round:

Through a strong presence civil society maintained the pressure on negotiators in Chicago. A number of protests took place, which were well attended. Links to media reports of the protests are available from the TPPA Media page of our website:

<http://aftinet.org.au/cms/trans-pacific-partnership-agreement/tppa-media-reports-our-campaign>

AFTINET was represented by Dr Patricia Ranald, who presented a paper “*Investor-state dispute settlement (ISDS): the threat to health, environment and other social regulation*”, as part of the stakeholder events. Dr Ranald’s paper and her detailed report on the Chicago round is available from the TPPA Campaign page on our website: <http://aftinet.org.au/cms/trans-pacific-partnership-agreement/trans-pacific-partnership-agreement>

Update on Negotiations – Chicago Round:

(Please note a detailed report by Dr Patricia Ranald, who was present in Chicago, can be found on the AFTINET website: <http://aftinet.org.au/cms/trans-pacific-partnership-agreement/trans-pacific-partnership-agreement>).

In general, negotiations are proceeding slowly and will not be completed by the APEC meeting in November. In the first week, the US did not present drafts on labour, intellectual property or pharmaceutical pricing, which meant there was little discussion in these areas.

Intellectual Property Rights Proposals from the USA

In the second week the US finally tabled the rest of its controversial intellectual property proposals and pharmaceutical pricing proposals, which include various proposals to extend patent periods for new patented medicines, to delay cheaper generic drugs from coming onto the market, and to restrict the right of governments to control pharmaceutical prices. We expect the proposal to be discussed at the next round to be held in Lima, Peru.

In an attempt to create a smokescreen and divert attention from the very strong and vocal criticisms of the USA’s TPPA Intellectual Property Rights proposals, the US Government released a White Paper, which did not mention them. The White Paper claimed that the US would be supporting a series of “Trade goals to Enhance Access to Medicines” (TEAM) http://www.ustr.gov/webfm_send/3059. The US has abandoned the 2007 compromise that President Bush reached with the Democrats,

which is in the Peru-US Free Trade Agreement. Analysis of the White Paper is available from the AFTINET website: www.aftinet.org.au.

Australian negotiators are saying that they will not agree to anything which goes further than existing Australian law. This should rule out all of the US proposals which go further than the US Australia Free Trade Agreement, including most of the proposals which were tabled in Chicago. AFTINET, the Public Health Association and other health organisations have been pressing the Australian government not to support the US proposals.

Cross-border services, Investment & financial services

The text on most of these is well advanced. Australia remains firm that it will not agree to investor-state enforcement. It is not clear whether this will be dealt with by treating Australia differently. Some other countries are also critical of investor-state disputes, but it is not clear whether they will oppose them altogether.

Government procurement

The text is almost complete. This is a positive list text, so the key issues will be which areas each government agrees to include, and these discussions have just begun.

State-owned enterprises

The US is proposing text, which is yet to be tabled, to challenge enterprises that are seen by US corporations to have a competitive advantage because they are owned by the state or receive other kinds of support or advantages from the state.

Agriculture

Confirming that this agreement is about US self interest, it still proposes to negotiate market access with each country bilaterally so it can protect its own markets. It is not clear how this will be brought together into a single schedule. There has been no sensitivity to developing countries' concerns in agriculture or other areas.

Regulatory coherence

This could result in restrictions on governments' choice of regulations, the range of factors they can consider and the priority they have to give to competition and market approaches to regulation.

Secrecy

There is still no release of the text or related documents. It appears that the parties signed a Memorandum of Understanding in March 2010 (before the negotiations began) that says all documents will remain secret until four years after the agreement comes into force or the negotiations are abandoned. Civil society organisations are asking for this document to be released.

DFAT have released an updated briefing from the Chicago round, it is available from: <http://www.dfat.gov.au/fta/tpp/110927-tpp-stakeholder-update-8.html>

September 2011 – Lobby Trip:

On September 20th and 21st AFTINET undertook a lobby trip to Canberra with the delegation made up of Harvey Purse, Dr Patricia Randal and Daney Faddoul.

The delegation met with several MPs and Senators including Trade Minister Dr Craig Emerson, Australian Greens Deputy Leader Senator Christine Milne, Ms Melissa

Parke (MP), Ms Janelle Saffin (MP), the office of Mr Rob Oakeshot (MP), Senator Lisa Singh, Senator Claire Moore and Senator Anne Uruquart.

The delegation put forward community views and concerns about the Trans-Pacific Partnership Agreement and PACER-Plus. The delegation was able to provide detailed updates from the Chicago round of negotiations which had concluded only a few days prior. The briefing paper presented to MPs and Senators is available from the resources page of our website: <http://aftinet.org.au/cms/tppa-resources-page>.

Senators and MPs generally welcomed the AFTINET delegation and all agreed to be placed on AFTINET's mailing list to be kept up to date. Several of them agreed to take the issues up with their colleagues and there was even the offer of a speech to parliament.

Further visits with MPs and Senators will take place over the next few weeks. We encourage members to visit their local MP and use the resources available on the AFTINET website to raise issues of concern.

Resources: All of our leaflets on the TPPA remain available from our website www.aftinet.org.au.

Book: A book on the Trans-Pacific Partnership Agreement is still 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>.

Individual Actions: Individuals are encouraged to join the TPPA campaign through our new 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 facebook page <http://www.facebook.com/pages/Aftinet/219004528130731?sk=wall> on your website or personal web page.

(**Sources:** TPPA allies listserve, DFAT briefing papers, Public Citizen, Dr Patricia Ranald AFTINET Chicago Report – available from www.aftinet.org.au)

6 WTO Update:

Vanuatu WTO Accession Update:

Vanuatu's accession process has been held up by great civil society actions which included education session for members of parliament by PANG and Third World Network (TWN). The general feeling is that it will not progress if put to parliament. The Prime Minister remains a staunch supporter of the accession process.

Reports indicate that the accession issue will be central to next year's elections with the expectation that pro-WTO accession MPs will have problems being re-elected.

Doha Round Update:

With everyone aware that the Doha Development Round of WTO negotiations is on its last legs but with no one prepared to declare it dead, Australia belatedly performed the last rights on 17th October 2011.

Australia's Trade Minister delivered a paper to the WTO Officials meeting titled, "*A new pathway to global trade reform*", which states:

"The Doha Round is dying, lying comatose on life support under the world's watchful eye. Awaiting the passing of 2012 elections in the United States, India, Korea, France and Mexico, some WTO member countries assure the patient's family that thereafter a bolt from the blue will reactivate their dying loved one and all will be well.

This cheery prognosis has two fatal flaws: the patient is in very bad shape and there will be no bolt from the blue."

Dr Emerson's paper has several key points:

- The Doha round is dead.
- Singapore, Chile, New Zealand, Hong Kong and Australia are the few members that fully practice free and open trade (interestingly the paper leaves the US out of this group).
- Rails against protectionism.
- Calls for a new path forward.

The proposed new pathway comprised of:

- December down payment on Least Developed Country (LDC) issues combined with a standstill on protectionist barriers (this is a way of getting developing countries to lower their tariffs without any reciprocal action from the developed world).
- An apparent downplaying of multilateral negotiations and a move to plurilateral negotiations of a "coalition of the willing", to which others could subsequently join (think Government Procurement or ACTA - the Minister uses the Information Technology Agreement as the example). This has been the way the US has attempted to move its agenda forward whilst Doha has been stuck.
- Bringing forth new issues (the "Singapore issues" that developing countries have so far kept out of the Doha round).
- Opposition to low quality bilateral and regional FTAs but support for high quality ones and revision of the rules of Bi-lateral and Regional FTAs under the WTO. (Not good news for our Pacific friends as this reinforces the Australian Government view that PACER-Plus should be WTO compliant as a minimum).
- Calls for further trade liberalisation.

Dr Emerson's paper delivers a truth about trade liberalisation. From the land that gave the world the Magic Pudding we now know that trade liberalisation is "the magic of creating more global jobs and prosperity for sharing among the countries of the earth".

AFTINET supports the down payment of an LDC package but not the price that has to be paid by developing countries to get it.

AFTINET believes that the government must retain its focus on multilateralism and find a way of re-invigorating the Doha Development Round through supporting the agenda of developing nations.

AFTINET believes that the government should oppose the re-opening of Singapore issues until the completion of a proper development round of negotiations is completed.

AFTINET believes that the government should maintain its focus on multilateral negotiations and that any revision of bi-lateral and regional free trade agreement rules under the WTO should allow room for PACER-Plus to not comply with WTO rules.

(Sources: DFAT Doha Briefing papers, Third World Network, OWISNF network, PACTrade, A new pathway to global trade reform available from Trade Minister's website)

7 PACER-Plus Update:

Office of Chief Trade Advisor (OCTA) Funding – The ongoing funding of OCTA is still not finalised. Australia continues to fail to listen to concerns from the OCTA Board on behalf of the Pacific Island Countries about the proposed funding agreement.

The standard contract that Ausaid is attempting to use contains many clauses that are not appropriate. For example one of the standard clauses gives Ausaid the decision making power on whether a project is progressing satisfactorily. Surely this is a decision for the OCTA Board and the Pacific Island Countries who are receiving the advice, not an agency representing Australia against whom the advice is being given. This clause could mean that if Australia is not happy with the direction of the negotiations they could say the project is not progressing satisfactorily. Whilst this is just one clause under contention, and may be unlikely to happen, it highlights the issue of Australia failing to listen and adequately address the concerns.

Auckland Leaders Meeting: This year is the 40th anniversary of the Pacific Island Forum Leaders Meeting and is its 42nd meeting. It was held in Auckland from 6-9 September 2011. A more detailed report from Harvey Purse, Trade Justice Campaigner, is available from the AFTINET website: www.aftinet.org.au.

The Pacific Island Forum Leaders Meeting (PIFLM) was held in the lead up to the Rugby World Cup and had more national delegations attending than any previous meeting, including the several from outside the Pacific area. Politically it was one of the most interesting for a number of years.

This year alongside UN Secretary Ban Ki-Moon there was an EU delegation led by European Commission President Juan Manuel Barroso and the French Minister of State for Foreign and European Affairs, Alain Juppe. A 50-strong US delegation was led by Deputy Secretary of State Thomas Nides, Japan's Secretary of State Yamaguchi and a Chinese delegation led by Vice Foreign Minister Cui Tankai were also present.

There was a traditional Small Island States Leaders meeting and a Pacific – Pacific, Africa Caribbean (P-ACP) Leaders meeting in the days before the PIFLM. The latter

meeting was made up of those Pacific Island Countries negotiating with the EU for a trade agreement known as an Economic Partnership Agreement (EPA). There were problems arriving at communiqués from both meetings and media conferences were cancelled. Reports in Auckland were that this was a result of failings by the Pacific Island Forum Secretariat to adequately reflect the Leaders decisions on PACER-Plus and the OCTA.

There was a clear call in the P-ACP outcomes document about the Office of Chief Trade Adviser (OCTA) that all decisions about the OCTA are the sovereign right of the Forum Island Countries and referred further investigation and recommendations to an eminent persons group.

The PIFLM outcomes communiqué did not contain very much on PACER-Plus or the OCTA. The Leaders noted the P-ACP Leaders outcomes. The more important announcement was that Fiji has been invited back into PACER-Plus at Trade Official level.

The lack of detailed statements indicates that it is business as usual for PACER-Plus, with Australia and New Zealand still pushing ahead.

Labour Mobility was a feature throughout the week, including Australia's announcement of the inclusion of 4 new countries (Nauru, Samoa, Solomon Islands and Tuvalu) in its pilot program. The existing four countries are Kiribati, Papua New Guinea, Tonga and Vanuatu.

New Zealand's labour mobility program was quoted as a success. The Pacific Island Countries wish to expand the programs beyond agricultural seasonal workers to include care giving, construction, mining and tourism.

On Health there was a focus on only one area, Non-Communicable Diseases (NDCs), which was expected. There is a statement on NDCs but all the emphasis is on the Pacific Island Countries to solve the problems. There is also a separate statement at the end of the Communiqué.

On the Environment and Climate Change, the Small Island States Leaders commented, "that much has been promised by the global community to support countries adversely affected by current and future impacts of climate change, yet very little has been seen in terms of fulfilling international commitment." Much of the emphasis was on climate change financing.

Education took a front seat, with both Australia and New Zealand announcing significant funding for on the ground education aimed at getting a further half a million children into primary and secondary school.

Barriers to trade for Pacific Island Countries with Australia and New Zealand were also a feature of much of the week. It is clear that Australia contains far more barriers than New Zealand.

A positive outcome contained in the Leader's communiqué is a commitment to a high level civil society dialogue alongside the Leaders Meeting. This was reinforced at the media conference when John Key responded to questioning by agreeing that it should be on the same level as the high level business dialogue. We and other civil society organisations expect this to commence at the next Leaders Meeting in the Cook Islands in August 2012.

Non-State Actors Meeting: Alongside PACER-Plus negotiations once a year, a Non-State Actors (NSA) meeting takes place. This year the meeting was to be held in Australia, alongside planned negotiations between trade officials in November. However this round has been deferred. It now appears that the negotiating round and NSA meeting will be in Brisbane in the first half of March 2012. It is important to our allies in the Pacific that as many Australian civil society organisations as possible attend the NSA to support their claims in front of DFAT and Island officials. AFTINET will provide more details as they become available.

(Sources: PACTRADE, DFAT website, PANG Media Releases. AFTINET Report on Pacific Island Leaders meeting available from: www.aftinet.org.au)

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.

Malaysia-Australia FTA:

The next round of negotiations will be split and held on 25th-27th October and 21st-25th November 2011 in Canberra. The outstanding issues remain around market access provisions and Government procurement. However, DFAT admit that the fact that both countries are involved in the TPPA negotiations is complicating negotiations.

Indonesia-Australia FTA:

There will be no move to commence negotiations until Indonesia implements the ASEAN-Australia-New Zealand FTA.

European Union-Australia Investment Treaty:

Members will have seen reports claiming that Australia is negotiating an investment instrument with the EU. The reports included comment that a dispute process was under discussion. We have sought clarification from DFAT who have assured that this was a misprint. They claim to have attempted to have the media correct the reports. The proposal is for a non-binding agreement with no commitments.

(Sources: DFAT website updates, DFAT Briefings)

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

Joint Media Release: AFTINET & PHAA on US proposals to undermine access to medicines. 25/10/2011 - <http://aftinet.org.au/cms/trans-pacific-partnership-agreement/trans-pacific-partnership-agreement>.

Leaked US FTA Text: Undermining medicines access - <http://www.citizenstrade.org/ctc/blog/2011/10/22/leaked-trans-pacific-fta-texts-reveal-u-s-undermining-access-to-medicine/>.

Open Letter on Transparency: Joint letter from over 25 Australian community organisations calling for the texts to be released – <http://aftinet.org.au/cms/trans-pacific-partnership-agreement/trans-pacific-partnership-agreement>.

New Community Education Leaflet: Trans-Pacific Partnership Agreement - Don't Trade Away Health - <http://aftinet.org.au/cms/trans-pacific-partnership-agreement/trading-away-public-health-health-issues-trans-pacific-partners-0>