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Trade Minister Robb desperate to agree to investor rights to sue governments in Japan FTA as Germany and Indonesia reject them

“Australia should not agree to allow Japanese investors to sue our government over domestic laws in the Japan-Australia Free Trade Agreement,” Dr Patricia Ranald, Convenor of the Australian Fair Trade and Investment Network, said today.

“Trade Minister Andrew Robb departs today for Japan in what appears to be a desperate bid to reach a deal at any price, ahead of the visit to Japan by Tony Abbott next week,” said Dr Ranald.

“The Minister has said he is willing to agree to Investor-State Dispute Settlement (ISDS). This means that Japanese investors will have the right to sue the Australian government if they can claim that a domestic law or policy harms their investment. The disputes are heard by international investment tribunals which lack the normal protections of domestic legal systems. The proceedings are secret, not public, there is no independent judiciary, because judges can also be advocates, and there are no precedents or appeals, so decisions can be inconsistent,” said Dr Ranald.

“The Howard Coalition Government did not agree to ISDS in the Australia-US Free Trade Agreement and the Productivity Commission rejected ISDS in 2010, which resulted in the former ALP government policy against it,” said Dr Ranald.

“It is a tragedy that Australia is rushing to agree to ISDS when more and more governments are rejecting it. Last week the London *Financial Times* reported that the [German Government](#) rejected it in the US-EU Trans-Atlantic free trade negotiations, and the [Indonesian Government](#) is withdrawing from all investment agreements containing ISDS. 10 Latin American countries, South Africa and India have also rejected ISDS,” said Dr Ranald.

“Tens of thousands of Australians have signed social media petitions against ISDS. The Greens have tabled a bill which would ban ISDS from all trade agreements and the Senate Foreign Affairs, Defense and Trade Committee is conducting a public inquiry into ISDS, with submissions closing on April 11. This inquiry will demonstrate that there is a wide range of community opposition, which sees ISDS as a threat to democracy and sovereignty”, said Dr Ranald.

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