

May 10, 2010

Hon. Simon Crean, Trade Minister,  
Department of Foreign Affairs and Trade of Australia

H.R.H. Prince Mohamed Bolkiah, Minister  
Ministry of Foreign Affairs and Trade of Brunei Darussalam

Hon. Alfredo Moreno Charme, Minister  
Ministry of Foreign Affairs of Chile

Hon. Tim Groser, Trade Minister  
Ministry of Foreign Affairs and Trade of New Zealand

Hon. Martín Pérez Monteverde, Minister  
Ministry of Foreign Trade and Tourism of Peru

Hon. Lim Hng Kiang, Minister  
Ministry of Trade and Industry of Singapore

Amb. Ronald Kirk, Trade Representative  
Office of the United States Trade Representative

Re: Ensuring Transparency and Civil Society Participation in Trans-Pacific  
Partnership Trade Agreement Negotiations

Dear Trade Ministers,

In past trade agreement negotiations, civil society organizations, including trade unions, have had limited participation. However, these agreements have as much or greater impact on our respective countries as most domestic legislation. The Trans-Pacific Partnership Trade Agreement (TPPTA) negotiations present an opportunity to break from past practice and negotiate in a more open, transparent and participatory manner.

We recommend that the following measures be taken:

1. In past trade negotiations, some governments posted to a secured website or otherwise provided to cleared advisors copies of some draft offers, proposals or negotiating texts from time to time. In other countries, access to information was more restricted. During the TPPTA negotiations, information must be more regular, abundant and accessible. We therefore recommend the creation of a joint TPPTA website, where information about the trade negotiations is posted and updated regularly. This website should include, for example, information about upcoming rounds (time, place, issues to be considered), contact information for key negotiating personnel, all white papers, draft texts, offers and counter-offers, trade and other data, press statements and declarations. Further, the website should allow civil society to post documents (analysis, proposals,

etc.) relevant to the negotiations by topic or by country, and the negotiators should consult these documents. Timely web-chats on specific issues should also be scheduled. Such a site should be established by the next round of negotiations.

2. In some of the previous trade agreement negotiations undertaken by current TPPTA members, the parties established side rooms where accredited civil society representatives could be briefed from time to time during the course of negotiations and could present their views. We urge that side rooms be established at each round of TPPTA negotiations, including Round 2 in June 2010. Further, we urge that any accreditation process be neutral, meaning that it not be used to bar critical voices or to favor certain organizations. Briefings should be regular and substantive, providing as much detailed information as possible to allow organizations to ask pointed questions and form meaningful recommendations. In the best case, civil society organizations should be able to directly observe the negotiations as they take place.

Additionally, civil society organizations should be granted time and space to put on briefings for negotiators and other civil society members on issues that may be under consideration during that round.

3. Consultations must also be ongoing. Throughout the negotiation process, governments must establish regular channels to ensure civil society, including unions and employers, are able to meaningfully engage in the negotiations process.

4. TPPTA members with indigenous or tribal populations must consult, consistent with ILO Convention 169, with such populations through appropriate procedures and through representative institutions whenever consideration is being given measures that may affect them directly.

These measures will substantially increase the quality of the negotiations and represent a tangible sign that the respective governments intend to make the TPPTA a “21st century agreement.” Without implementing at least these measures, any final agreement cannot count on broad civil society support.

Signed,

Sharan Burrow, President  
Australian Council of Trade Unions (ACTU)

Arturo Martínez Molina, Presidente  
Central Unitaria de Trabajadores (CUT) - Chile

Helen Kelly, President  
New Zealand Council of Trade Unions (NZCTU)

Julio César Bazán Figueroa, Presidente  
Central Unitaria de Trabajadores (CUT) – Peru

Mario Huaman Rivera, Presidente  
Confederacion General de Trabajadores  
de Peru (CGTP)

John De Payva, President  
National Trade Union Congress (NTUC) - Singapore

Richard L Trumka, President  
American Federation of Labor &  
Congress of Industrial Organizations (AFL-CIO)