

Open Letter to the Trade Minister, Todd McClay

A Real Review of Trade Policy

Dear Minister,

We welcome a review of New Zealand's Trade Policy, but we have deep concerns over the extent of the review that you are proposing and the process.

There is rising concern internationally and within New Zealand over current treaties. Internationally, TTIP is considered to have failed by senior politicians from France and Germany; both US Presidential candidates and a large public majority oppose the TPPA; a number of developing countries are withdrawing from negotiations on trade agreements that are unbalanced; and a growing number of countries are withdrawing from investment agreements or rejecting the inclusion of ISDS provisions. In New Zealand, a majority of the public oppose the TPPA.

The loss of political mandate reflects the growing evidence that such treaties give unwarranted preferential rights to foreign investors over laws, policies and judicial decisions. Criticism of ISDS and treaties such as the TPPA is coming from trade, legal and economic experts as well as a range of social and environmental researchers and institutions across society. Restrictions on the right of governments to regulate in the public interest has been shown to have adverse impacts on the environment, action on climate change, progressive social policy, labour rights, the rights of indigenous peoples, human rights, health and many other issues of concern to citizens.

However, our concerns extend far beyond the mechanism of ISDS, to include issues such as excessive monopoly powers conferred through patents and copyright; the loss of rights for governments to support local economies and communities; the primacy of trade agreements over protection of human rights, health, indigenous rights and the environment; and the removal of legitimate regulation under the guise of lowering 'non-tariff barriers'.

Any future trade negotiations must recognise these concerns and be founded on transparency and accountability. The government must make negotiating texts public and be accountable for the proposals they take into negotiations. There must be an independent and comprehensive assessment of the impacts of the proposed treaty on a range of social, environmental, health and te Tiriti rights before the conclusion of negotiations.

We call on you to undertake a fundamental re-think about the aims of our trade agreements. We agree that New Zealand needs to be able to trade with other countries, but recent treaties extend far beyond the common definitions of trade to threaten issues of vital importance across society. More trade and investment has become the driver of our international treaties and much of our international diplomacy. But for New Zealand society as a whole, trade and investment is a means to an end. Policies should be assessed by their contribution towards redressing growing inequality, supporting decent jobs and livelihoods, living within our ecological limits, contributing to a good quality of life and being a good global citizen internationally.

In our experience of MFAT consultation on the TPPA and agreements such as RCEP, there has been no real dialogue. We are talked at but not listened to. This trade policy review process must step back from the limited scope of the terms of reference, and engage with individuals and groups in society through a process of examining the evidence and developing new aims for our trade policy. We call on you to engage in a real dialogue for a real review of trade policy.