

Open letter to negotiators of the Trans Pacific Partnership Agreement

17 October 2011

Earlier this year, several Malaysian organizations joined many others from around the world in writing to their governments to call for increased transparency in the negotiations of the Trans Pacific Partnership Agreement (TPPA). This is because a more transparent TPPA process would provide some basic safeguards against errors and identify risks that may not be apparent to negotiators and the government. It could also help convince people that a TPPA really will replace the past trade pact models that benefited and privileged special interests and multinational firms.

The organizations gave several suggestions that the TPPA negotiating parties could take in this regard.

Regrettably, the TPPA parties have rejected these demands and appear to be insisting on a level of secrecy that reverses recent initiatives to facilitate informed, open and democratic debate by releasing draft negotiating texts of free trade and investment agreements. We cite, in particular, the examples of the Free Trade Area of the Americas, the Multilateral Agreement on Investment, the Anti-Counterfeiting Trade Agreement and the Doha round negotiations at the WTO.

We now understand that the parties negotiating the TPPA signed a Memorandum of Understanding dated 4 March 2010 on the negotiation process. It is clear from the cover page of the leaked draft Intellectual Property chapter tabled by the United States government that the Memorandum includes rules on classification that *inter alia* restrict the declassification of documents for 'Four years from entry into force of the TPP agreement or, if no agreement enters into force, four years from the close of the negotiations.'

While we reiterate our earlier demands for comprehensive disclosure, we consider it unacceptable for a document on the terms of the negotiations to remain secret.

At the stakeholder briefing in Chicago on September 2011, the Chair of the Chicago round, Assistant USTR Barbara Weisel said the parties will have to consider the request for the release of the Memorandum of Understanding.

We therefore strongly urge all parties to agree at the round in Lima, Peru to the immediate release of the Memorandum of Understanding so that we can better understand the rationale for this extreme level of secrecy, the rules that the parties have agreed should govern the negotiations, and the nature and duration of the restrictions on disclosure and classification.

Thank you for your kind attention.

Yours sincerely,

1. Consumers Association of Penang (CAP)
2. Health Action International Asia Pacific (HAIAP)
3. Jaringan Rakyat Tertindas (JERIT)
4. Monitoring Sustainability of Globalisation (MSN) Malaysia
5. Parti Sosialis Malaysia (PSM)
6. Pesticide Action Network Asia and the Pacific (PAN-AP)
7. Positive Malaysian Treatment Access & Advocacy Group (MTAAG+)
8. PT Foundation
9. Sahabat Alam Malaysia (SAM)
10. Third World Network (TWN)