

10 February 2011

To Rt. Hon John Key
Prime Minister of New Zealand

Hon Tim Groser
Minister of Trade

Your government, our elected representatives, say the Trans-Pacific Partnership Agreement (TPPA) you are negotiating will be a 21st century trade agreement.

For us, a 21st century agreement must address the challenges that will shape our livelihoods, communities and our planet over the next ninety years - climate change, financial instability, indigenous rights, food sovereignty, energy scarcity, pandemics, insecurity, inequality and poverty, and constraints on corporate greed.

Instead, we understand that the proposed TPPA would intrude far behind our national borders to not only restrict our financial regulation and grant new rights for foreign investors, but also limit how things like healthcare, energy, natural resources and culture will be regulated; how our tax dollars may be spent; what sort of food safety and labelling will be allowed; whether medicines will remain affordable; and more.

What you are proposing and the way it is being negotiated are undemocratic and hypocritical.

First, a TPPA would bind our domestic policies and laws for decades ahead; even when an elected government has a different mandate or faces new realities, its hands will be tied.

Second, New Zealand's obligations under the agreement would be enforced in international, not domestic courts: as a minimum, the government could face trade sanctions if it failed to comply; and, at worst, foreign investors could sue the government in a secret international court to enforce their special new rights.

Third, you are proposing a trade treaty that gives foreign investors guaranteed rights and enforcement powers that you deny to Maori under the Treaty of Waitangi.

Fourth, you are conducting these negotiations in secret, something citizens and legislators would never tolerate for new domestic legislation. 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 benefitted and privileged special interests and multinational firms.

The excuse that greater transparency would undermine negotiations presumes that your proposals would not survive the sunshine of scrutiny. Even the World Trade Organization (WTO), hardly renowned as a bastion of transparency, now posts country documents and negotiating texts on its website for scrutiny. If politicians and negotiators cannot convince the public through robust, open and informed debate about what you are proposing in our name, the talks should not proceed.

We are demanding, at a minimum, that the New Zealand government commits itself to publish simultaneously on its website all documents that it tables at the TPPA negotiations and proposes to all the other the TPPA negotiating parties at the forthcoming negotiations in Chile in February 2011 that they agree collectively to:

1. Create and maintain a public website which governments and civil society can post information and participate as equals in a dialogue and debate;
2. Post the draft text of each chapter as it is completed to open them to expert and public scrutiny. Given the global financial crisis, the perfect starting point is the texts on investment and financial services, completed in the December 2010 Auckland round;
3. Post countries' position papers on specific subjects that are tabled during negotiations;
4. Guarantee that all civil society has equal access to information and engagement with the process, regardless of whether they are supportive or critical of the proposed agreement, ending the privileged treatment that pro-TPPA corporate lobby groups have enjoyed to date.

Failure to agree to such transparency and allow for open debate will further discredit the TPPA negotiating process. It will strip any negotiated text of democratic legitimacy and the goodwill needed from people and parliamentarians to make it work for the 21st century.

Signed by (organisations listed first)

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The New Zealand Society of Authors (PEN NZ Inc.)
Finsec Union
National Distribution Union
Unite Union
New Zealand Tertiary Education Union Te Hautū Kahurangi o Aotearoa
Campaign Against Foreign Control of Aotearoa
NZ Not for Sale Campaign
Pacific Institute of Resource Management
Thomas Beagle, Tech Liberty NZ
Barry Coates, Oxfam New Zealand
Jim Consedine, Catholic Worker NZ
Joe Fleetwood, Maritime Union of New Zealand
Kevin McBride, Pax Christi Aotearoa-New Zealand
Suzanne Menzies-Culling, Taiwi Solutions
John Minto, Global Peace and Justice Auckland
Kay Murray, the Alliance Party.
Russel Norman, Co-leader of the Green Party of Aotearoa New Zealand
John Ring, Democrats for Social Credit, Spokesperson on Foreign Affairs
Ian Ritchie, Palmerston North Poverty Action Group
John H Roberts, President-elect, Methodist Church of New Zealand.
Heather Marion Smith, Executive member, Democrats for Social Credit.
Scott Walters, TEU Lincoln University
Ben Youdan, Action on Smoking and Health (ASH) New Zealand

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