

Remarks by John Sifton, Asia Advocacy Director, Human Rights Watch

TPP Text Release Conference Call: Not Surprising TPP Text Confirms Bad Deal

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Hi, my name is John Sifton, I'm an Asia advocacy director at Human Rights Watch, and I wanted to take my time to focus on a particular argument that the administration is making with respect to workers' rights in Vietnam. Then I'll turn to a few quick other human rights issues that are raised by the agreement generally.

As many of you know, the administration is pointing to the labor protections in the Labor Chapter, and in particular, a bilateral agreement between the United States and Vietnam, which is the country in the entire agreement which has probably the biggest labor rights problems of all the countries involved.

As proof of their good intentions to actually improve labor rights in Vietnam — and I want to start by saying that I do think that members of the administration attempted to negotiate with Vietnam in good faith and make them adopt obligations that would change the Vietnamese labor law and compel Vietnam to improve its labor record. I think they were trying to do that and I commend them for trying to do that.

The problem is, in practice, the Trans-Pacific Partnership and the U.S.-Vietnam Bilateral Consistency Plan will probably not manage to pull off the labor reforms that it is intended to accomplish. And the reason is, you read the bilateral agreement of the U.S. and V.N. and it sounds great — lots of obligations on Vietnam to change its labor laws, to change its practices- to allow unions and federations.

If those things happen, that would be great. The problem is if they don't happen, will the U.S. have the capacity and the desire, the will to actually enforce its terms and seek consequences against Vietnam if they fail to meet the obligations of the agreement? And that's where our disagreement begins with the U.S. Trade Representative and with the State Department.

Our concern is that Vietnam may make legal forms on paper that allow the agreement to come into force with respect to Vietnam, then Vietnam will turn around and not actually allow unions to be created and create themselves after five years. There's a provision that will allow the unilateral retaliation by the United States if Vietnam has not met the terms, especially with respect to federations and the creation of federations in Vietnam.

The problem we see in that is that there's no guarantee that they will actually enforce those terms in a subsequent administration that may not be as friendly to labor rights, but also, that those retaliatory measures actually have the potential to harm U.S. corporate interests, people that are importing, companies that are importing goods from Vietnam. And as a result there's no guarantee that those retaliatory measures will be taken in the event that Vietnam is not in compliance with the chapter.

That is the practical reason we're concerned, so while we commend the State Department for attempting to obligate Vietnam to change its laws, and while we believe Vietnam probably will change its laws at the end of the day, in practice the concern is that Vietnam is not going to change its practices in concern to unions and allowing unions.

They will continue to have many powers under their penal code, to lock up dissidents including trade unionists, and punish people for criticizing the government, the Communist Party of Vietnam, and create instability that undermines the Communist Party of Vietnam, so we have a lot of concerns there.

On a more general level, we share many of our colleagues concerns about ISDS mechanisms and the way they can be abused to undermine the democratic will of TPP member states' parliaments and leaders who might seek to pass legislation that protect their own people from harmful practices by corporate actors.

But most of all we're concerned and we share the concerns of Médecins Sans Frontières and other groups about the impact this agreement will have on the cost of life-saving medicines. It's our concern that at the end of the day, the human right to healthcare will be negatively impacted by this agreement.

And I say in the end, the TPP's provisions will lead to situations where people who need life-saving medicines don't get them. And those people, who otherwise would live, will die. That's the stark impact of the TPP's IP protections and one that everyone should think long and hard about before they decide whether to support or oppose this agreement.