

trade and investment agreements.

At a minimum, this requires the actions in the two following items

- Ensure that trade and investment agreements have an independent Health Impact Assessment (HIA) carried out at stages that allow fully informed public consideration of the proposed agreement
- Make publicly available the HIA and early texts of proposed trade and investment agreements for review, discussion, and debate

### Actually There is an Alternative

New Zealand governments, whether National or Labour, have been among the world's most zealous disciples of the "free trade" cult. Supporting what are totally misleadingly called "free trade" agreements has been a central plank of the governing ideology in this country for decades. We are told that such agreements are good for the country and, more threateningly, there would be "consequences" if we dared to get out of them. Well, actually, there are very recent international precedents where countries have taken a good hard look at the supposed benefits of such agreements, discovered that the evidence doesn't hold up, and cancelled those agreements forthwith.

**Ecuador** is an excellent current example (although not the only one). It set up a Citizens Commission on the subject, which recommended that Ecuador quit such agreements, and the Government acted on that advice. This is a timely reminder to New Zealanders that there is a myriad of options when it comes to NZ reassessing its place in the world. "There Is No Alternative" is hogwash. The below extracts are from the Transnational Institute (TNI) in Europe.

#### Ecuador Terminates 16 Investment Treaties

Work together to ensure that trade and investment agreements do not negatively impact on public health or equitable health outcomes. Agreements should support health, social and environmental objectives as well as economic objectives.

This includes the following considerations:

- the scope of agreements
- the concept of and criteria for "exceptions"
- independent dispute resolution processes that value health, social and environmental objectives.

The Ecuadorian Citizens' Commission for a Comprehensive Audit of Investment Protection Treaties and of the International Arbitration System on Investments (CAITISA) was set up by the Ecuadorian government to audit the country's investment treaties and make recommendations to the Government. The Commission was comprised of Government officials, academics, lawyers and civil society groups. Our own TNI researcher Cecilia Olivet was nominated President. In May 2017, the Commission's report was published and its recommendations to terminate the country's Bilateral Investment Treaties accepted by the Government ([tinyurl.com/AIM27-5](http://tinyurl.com/AIM27-5))

On May 16th 2017, President Correa of Ecuador signed decrees terminating 16 Bilateral Investment Treaties (BITs), including with the US, Canada, China and eight European countries. The decision follows the recommendation of the Ecuadorian Commission that audited the country's Investment Protection Treaties (CAITISA). Treaties were terminated with: China, the Netherlands, Germany, the UK, France, Spain, Italy, Sweden, Switzerland, Canada, the United States, Argentina, Bolivia, Peru, Venezuela, and Chile.

## Aotearoa Independence Movement

## Flyer #2 Trade



The advent of Donald Trump in the US provides an unprecedented opportunity to take a good, hard look at Aotearoa's place in the world. And to ask the question - why are we still a loyal member of the American Empire? As the old saying goes, you are judged by the company you keep. The Campaign Against Foreign Control of Aotearoa (CAFCA) says it's time for this country to pull the plug, to finish the business started in the 1980s which saw NZ nuclear free and out of ANZUS; and break the chains - military, intelligence, economic and cultural - that continue to bind us to the American Empire.

Let's deal with the world on our terms, not on those dictated from whichever empire we happen to be a junior member of at the time. **CAFCA is initiating a nationwide dialogue to advance the case for a non-aligned Aotearoa based on policies of economic, military and political independence.**

**Accordingly, we announce the Aotearoa Independence Movement.** AIM is a campaign, not an organisation. More details can be found at [tinyurl.com/AIM2one](http://tinyurl.com/AIM2one). There is written, video and audio material at that link.

The campaign has begun for a truly non-aligned Aotearoa. As our first project, we will be producing a series of papers on different aspects of what that would look like. And there will be a series of meetings around the country to as part of this dialogue. AIM needs as many people as possible to get actively involved.

Murray Horton  
Organiser, AIM

### What a Progressive Trade Agreement Would Look Like

It's Our Future, which led the successful New Zealand campaign against the proposed Trans-Pacific Partnership Agreement (TPPA), has prepared this ten-point list of what a progressive international trade and investment agreement should look like. This was prepared for the 2017 general election as the core of the campaign "A Trade Policy For The People", but its relevance extends way beyond that.

#### 1. An End To Secrecy

Negotiations must take place under conditions of openness, including the regular release of draft negotiation texts to the public.

#### 2. Democratic Oversight

Negotiation mandates must be voted on by Parliament - with the aid of public submissions - before the start of future trade and investment negotiations. Future trade and investment agreements must also be presented to Parliament for

approval before the conclusion of negotiations, and following independent economic, health, human rights and environmental impact assessments.

#### 3. Unrestricted Right To Protect The Public Interest And The Environment

The New Zealand government must be free to protect and promote the wellbeing of its people and the natural environment in any way it sees fit. To achieve this, trade and investment agreements must contain strong and enforceable carve-outs to ensure that social and environmental regulation is not undermined.

#### 4. Regulation Of Overseas Investment

The New Zealand government must be free to set its own rules on overseas investment, and to change these rules in accordance with national priorities.



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## 5. Protection Of International Law

Trade and investment agreements must not undermine states' obligations in other international agreements, including those protecting human rights, labour standards and the environment. These obligations are to take precedence in the event of any inconsistency with future trade and investment agreements.

## 6. No Investor-State Dispute Settlement

Overseas investors must not have access to rights, remedies and dispute mechanisms other than those available to local investor

## 7. Honour the Treaty of Waitangi

Any future trade and investment agreements must contain a strong and comprehensive carve-out to protect the rights of Māori, consistent with te Tiriti o Waitangi and other recognised sources.

## Trade Agreements and Local Government

Point 8 of the 10-point list (above) says that trade agreements should exclude local government. Correct. But local governments need to be part of the campaign for progressive trade and investment agreements. An excellent very recent example of a campaign to get local government on board right throughout the country was the **TPPA Policy Solution**, fronted by the indefatigable **Greg Rzesniowiecki**. **Greg writes:** Publicly interested governance is the way forward.

The campaign in opposition to the TPPA was bolstered by local governments identifying the threat to their sovereignty. They recognised that the TPPA would constrain their ability to administer their role and responsibility to their constituencies. They had already seen the removal of the Four Wellbeings from the Purposes of the Local Government Act 2002 in the 2012 amendments which the National government pushed through despite opposition from all sectors of the community.

Accordingly, New Zealand councils saw the merit in adopting a positive policy identifying the matters to protect when negotiating trade and investment

## 8. Exclude Local Government

Elected local government bodies must be free to make, and be accountable for, their own decisions without being subject to the constraints of international trade and investment agreements.

## 9. Retain The Role Of The State

Trade and investment agreements must not undermine, directly or indirectly, the authority of the State to regulate the economy, hold assets, provide services to the public and enter into commercial arrangements.

## 10. Promote The Free Flow Of Knowledge and Information

Trade and investment agreements must not confer new monopoly rights over the use and distribution of knowledge, or over the digital domain.

ties. Sovereignty is the key concern in any democracy and liberal civilisation. The right to not be coerced into accepting arrangements that are against one's interests, in this case the interests of the majority of people. Each NZ council is a sovereign entity, a democratic unit, which does not want its decision-making constrained to suit the profits and whims of a foreign transnational corporation (TNC). 12 Councils who comprise 60% of the country's population adopted the **TPPA Policy Solution** for all of us. *The full, 12-point TPPA Policy Solution, can be read online in the full version of this paper, at <http://tinyurl.com/AIM2two>*



## What Would People Friendly Globalisation Look Like

Bill Rosenberg

*Bill is the Economist and Policy Director at the NZ Council of Trade Unions (CTU).*

"I suggest that what we should seek as far as possible is consistency between our aims at home and our international aims. Wellbeing should be primary. Agreements should recognise as primary the right of each nation to make rules in its citizens' interests in certain essential areas. An example is in areas fundamental to their wellbeing including health, education, safety, environment, conservation, culture, human (including labour) rights, and actions it considers necessary to address disadvantage of social groups, inequalities of income and wealth, and inequalities of outcomes. Within those limits, intentional trade barriers can then be reduced. The process of developing these agreements should be as similar as possible to the development of domestic legislation, with much greater openness and public consultation".

Bill quotes other experts who write that what they call "hyper-globalisation" is a direct threat to both democracy and the nation State.

## International Trade Agreements Must be Subject to Rule of NZ Law

*These are two of the Key Points from Jane Kelsey's "The TPPA: Treaty-Making, Parliamentary Democracy, Regulatory Sovereignty And The Rule Of Law".*

The full document is at [tinyurl.com/AIM2six](http://tinyurl.com/AIM2six)

- The 30-chapter Trans-Pacific Partnership Agreement (TPPA) constrains domestic law and policy at central Government level and, in places, by local government and State-Owned Enterprises, in diverse areas beyond traditional aspects of international trade.
- Provision for investor-State dispute settlement lacks the characteristics of a credible and independent legal process and effectively displaces national judicial processes for a privileged class of international investors

## Trade is a Health Issue

*Excerpts from "Trade And Health: Joint Statement Of Principles", Public Health Associations of Australia and New Zealand.*

More of the document can be read online in the full version of this paper, at [tinyurl.com/AIM2seven](http://tinyurl.com/AIM2seven)

**The Public Health Association Recommends That Government and Government Agencies**

- Advise other agencies and stakeholders at an early stage of any proposed trade and invest-
- Ensure that the general public and agencies are effectively involved in developing new proposals for

Bill writes: "I unashamedly choose a working democracy: The point of this is certainly not to advocate closing up the borders. That would be daft. The point is that the current intense model of globalisation – hyper-globalisation – must be reformed to make it friendly to democracy within nation states". Bill's whole article is well worth reading – it is the lead piece in the February 2017 CTU *Monthly Economic Bulletin* online at: [tinyurl.com/AIM2three](http://tinyurl.com/AIM2three)

A longer and more recent version of that same article is online at [tinyurl.com/AIM2four](http://tinyurl.com/AIM2four) as part of "No More Business-As-Usual: Where To Now For International Trade?", edited by David Hall, The Policy Observatory, Auckland University of Technology, July 2017).

*The full version of what Bill wrote can be read online in the full version of this paper, at [tinyurl.com/AIM2five](http://tinyurl.com/AIM2five)*

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