

Union Aid Abroad APHEDA

The global justice organisation of the Australian union movement



29 September 2023

Joint Standing Committee on Trade and Investment Growth
PO Box 6021
Parliament House
Canberra ACT 2600
By email: jsctig@aph.gov.au

To whom it may concern,

Union Aid Abroad-APHEDA is the global justice organisation of the Australian union movement founded by the Australian Council of Trade Unions (ACTU) in 1984. Union Aid Abroad works in 14 countries in the Indo-Pacific region, the Middle east and South Africa in partnership for the achievement of dignity at work, social justice, economic equality and the realisation of human rights. We work to achieve this through strong unions and social movements, sustainable development programs, global solidarity and support in times of crisis.

Union Aid Abroad-APHEDA, as a trade union solidarity organisation linked to the Australian and global union movement, has worked since the mid-1990's in support of equitable, fair and transparent trade agreements. We are a long-standing member organisation of the Australian Fair Trade and Investment Network (AFTINET).

We endorse the submissions of the ACTU and AFTINET made to the Joint Standing Committee on Trade and Investment Growth inquiry.

For the purposes of this submission, our primary interests are in sections (a), (c), (e) and (f) of the Terms of Reference for the inquiry.

As a DFAT-accredited international development organisation, we draw on the experiences of our partner organisations internationally regarding the impacts of the prevailing approaches to the making of trade agreements and the absence of conditions which enable more equality and stability, especially in the Indo-Pacific region.

These partner organisations are unions and community organisations who are part of civil society networks, sometimes in countries with authoritarian or military-led governments where human rights or social development rights are repressed or denied.

We contend Australia's goals and ambitions for its new International Development policy released in August 2023 are undermined through the continued secrecy of trade negotiations, with no enforceable human rights, while special 'investor rights' are granted to multinationals, enshrining their ability to sue governments.

Australia's new International Development policy prioritises action for gender equality and climate change in the Indo Pacific region. Australia's approach to trade must enable our ambitious development agenda to reverse the decline of women's equality since the pandemic and address the impact of global warming, both of which are hitting hard in low-income countries in Australia's region.

Any 'whole-of-government' approach to trade must be closely aligned to this new policy with deliberations on recommendations involving development officials of DFAT, experts from the NGO civil society development organisations and academic experts in development. Specifically, there is clearly no benefit in negotiating trade agreements that undermine development goals.

Further, low income and developing countries and their governments are particularly disadvantaged vis a vis high-income countries like Australia – sometimes through lack of knowledge, skill or awareness in terms of social development impacts and sometimes simply through lack of internal governmental or civil society capacity. Behind-closed-doors negotiations only compound this structural disadvantage, skewing the 'playing field'.

It is incumbent on Australia to take this opportunity of reassessing trade policy to set a new bar for trade negotiations, to assist low-income governments and their civil societies to have the possibility of fairer trade agreements. It is also an opportunity to ensure that trade negotiations serve Australia's development policy as much as its trade policy.

In broad summary, we submit that Australia's approach to trade agreements should:

- include enforceable commitments to internationally agreed human rights, labour rights and environmental standards;
- include binding, enforceable commitments to end modern slavery, including banning the import of products made with forced labour;
- ensure adherence to UN and ILO Conventions and Déclarations, by Australia and its negotiating partner countries;
- work with developing country trading partners and provide resources through its Official Development Assistance programs to progressively adopt, develop and implement UN and ILO international standards, including supporting the capacity-building of unions in developing countries to assist with upholding workers' rights.
- exclude provisions that facilitate increased numbers of temporary migrant workers who are vulnerable to exploitation ;
- be transparently negotiated with public access to the detail of texts at all stages of negotiation, including public access to negotiating texts, publication of texts and independent evaluation of the economic, employment, environmental, health and gender impacts of the final text before it is signed;
- enable governments to retain the right to regulate in support of human rights, womens' rights, indigenous people's rights, worker's rights and environmental standards ;
- maintain the exclusion for international investors to sue governments over public interest policy changes, known as Investor-State Dispute Settlement (ISDS);
- exclude intellectual property provisions that entrench private monopolies, for instance in medicines ;
- safeguard the rights of Indigenous Peoples by incorporating 'free prior and informed consent', as required under UN instruments, into all measures;

exclude all public services, including in fields of mixed private and public provision, such as in education and health (ie including 'merit goods') .

Further, Australia should renegotiate all current Free Trade Agreements (FTAs) to remove ISDS provisions as a priority and establish a forward agenda of renegotiating all existing FTAs to bring them into line with the parameters in the new legislated framework.

Thank you for opportunity to submit.

Yours sincerely,

Kate Lee
Executive Officer