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Secretary, Joint Standing Commission on Treaties
House of Representatives
Parliament House
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Dear Sir or Madam,

BY:

I'd like to raise a concern with Articles 19.6, 19.7 and 19.8 of the Free Trade Agreement (FTA), relating to environmental cooperation, consultations and agreements. The FTA does not just acknowledge the mutual importance of environmental health in both countries, nor does it merely provide a new or expanded forum to address mutual environmental concerns. Reading these three Articles in conjunction, the FTA commits Australia to negotiating jointly with the US in future international fora on the environment. In particular:

- Article 19.6: "...the Parties acknowledge the importance of ongoing joint ... multilateral environmental activities. The Parties agree to negotiate a United States-Australia Joint Statement on Environmental Cooperation under which the Parties will explore ways to support further these ongoing activities."
- Article 19.7: "A Party may request consultations with the other Party regarding any matter arising under this Chapter...The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter..."
- Article 19.8: "...the Parties shall continue to seek means to enhance the mutual supportiveness of multilateral environmental agreements to which they are both parties ... In particular, the Parties shall consult regularly with respect to negotiations in the WTO regarding multilateral environmental agreements."

In contrast, Article 19.1 of the FTA recognises "the right of each Party to establish its own levels of domestic environmental protection and environmental development priorities". This being the case, there is no justification for overriding that right to independence when it comes to negotiating in international fora.

Further, the FTA acknowledges that it is "inappropriate to encourage trade or investment by weakening or reducing the protections afforded in [the Parties'] respective environmental laws" (Article 19.2 (2)). In that case, why should the Free Trade Agreement be used as a vehicle to make commitments about the process for determining Australia's negotiating position in future international environmental fora?

Please reconsider the inclusion of these Articles in the FTA. In their current form, they will constrain Australia's flexibility and independence in the international community, while their exclusion would in no way reduce Australia's ability to negotiate jointly with the US at the discretion of both countries.

Sincerely,

Angela Byrne

Note: Quotes are taken from the full text of the FTA at
http://www.dfat.gov.au/trade/negotiations/us_fta/text/19_Environment.pdf