Submission by the Auckland Anglican Social Justice Group of the Anglican Province of Aotearoa, New Zealand and Polynesia.

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The Auckland Anglican Diocese and its Social Justice Group are committed to the five-fold Mission Statement of the world-wide Anglican Communion. In particular parts four and five of the Mission statement are relevant:

(iv) To seek to transform unjust structures of society;
(v) To strive to safeguard the integrity of creation & sustain & renew the life of the earth.

The Auckland Anglican Social Justice Group is committed to bi-cultural relationships with Māori as tangata whenua in Aotearoa New Zealand. It invites the government of the day to affirm Te Tiriti o Waitangi as a bilateral agreement between hapū and the Crown that was in line with Maori expectations in the 1835 Declaration of Independence and to make this clear in any trade agreements.

We draw attention to the  Makite Mai Aotearoa Report  and its expectations that national conversations and educational processes will lead to constitutional changes around 2040. New trade agreements need to be strong enough to provide for a time when constitutional changes re-construct our political landscape. It is not enough to say an agreement will honour the Treaty or uphold the status of Māori. It needs to protect rangatiratanga into the future.
World-wide, denominational and ecumenical groups are searching for just financial and economic instruments committed to the common good and the care of creation. The Anglican church in Aotearoa, New Zealand and Polynesia is a member of the World Council of Churches.

The World Council of Churches has focussed on justice, peace and the integrity of creation including fair trade and financial instruments for many years, especially through the work of the Alternative Globalization Addressing People and Earth (AGAPE).

We draw attention to the many years work of the World Council of Churches (WCC) concerning fair trade and the search for new forms of international financial architecture. We believe the 12 principles of the 2004 Just Trade Declaration formed by church representatives from Canada, the USA and Mexico are highly relevant to this New Zealand consultation on inclusive and progressive trade agreements. Details can be found on: (https://www.oikoumene.org/en/resources/documents/wcc-programmes/public-witness-addressing-power-affirming-peace/poverty-wealth-and-ecology/trade/just-trade-declaration).

The WCC 2004 twelve trade principals are repeated in full below, as we believe they are central to our search for fair and just processes and terms of trade that will bring prosperity to all peoples and sustainability for the earth.

We invite MFAT and the Trade For All Advisory Group to examine them closely and note the policy implications attached to each of the twelve principles:

1. Trade and Investment Agreements, in order to ensure respect for dignity of all persons, should be subordinate to international law and agreements that guarantee universally recognized human rights. These include civil, political, economic, social and cultural rights; gender equity; labour rights; migrant worker rights; and rights of indigenous peoples.

2. Trade and Investment Agreements should recognize the inalienable rights of indigenous peoples to their traditional territories, resources and indigenous traditional knowledge. Indigenous people have to give their prior informed consent to any developments that impact their traditional territories. This is particularly important when addressing patent and copyright issues in Trade and Investment Agreements.

3. Trade and Investment Agreements must also be subordinated to the goal of sustainable development and poverty reduction. This requires consistency among trade, development aid, and migration policies as all as dialogue among and inclusion of the relevant policy makers.

4. Trade and Investment Agreements should include measures to promote and strengthen respect for creation with environmental regulations and standards based upon the “precautionary principle” that safeguards the interests of future generations.

5. Trade and Investment Agreements should recognize and the respect national sovereignty and the legitimate responsibility of governments to safeguard the well-being of all members of society, ensure democratic participation, and exercise public stewardship.

6. Trade and Investment Agreements should support greater human security by building peace through governments and international institutions.
7. Trade and Investment Agreements should allow for mutually beneficial agricultural trade, protect the ability of small producers to survive and thrive, and to ensure that subsidies, tariffs and non-tariff trade barriers do not harm agricultural producers in small, weaker and less developed States, particularly Small Island States. These agreements must safeguard the ability of governments to protect the interest of their people.

8. Trade and Investment Agreements should ensure greater corporate responsibility and accountability.

9. Trade and Investment Agreements should be reached through transparent negotiations and provide for greater participation by civil society in the negotiation, implementation, and monitoring of their performance.

10. Trade and Investment Agreements should incorporate genuine special and differential treatment for small, weaker and less developed states that require long-term special exemptions.

11. Trade and Investment Agreements must permit the stabilization of agricultural and mineral commodity prices at remunerative levels through arrangements, such as supply management commodity agreements, in order to reverse the deterioration in terms of trade experienced by primary exporters.

12. Trade and Investment Agreements must respect the sovereign rights of peoples and nations to choose a diversity of development paths, including those based on domestic self-reliance involving minimal international exchanges.

**Two recent publications suggest how local economic and financial matters, and international trade and investment negotiations might proceed with the hope that prosperity and justice might be achieved:**

*Prosperity and Justice, A Plan for the Economy, the Final Report, and its Executive Summary, Commission on Economic Justice, Institute of Public Policy Research, United Kingdom, 2018 ([www.ippr.org/publications](http://www.ippr.org/publications)); and*

*Re-imagining Britain: Foundations for Hope, Justin Welby, Bloombury, 2018.*

The primary focus of these two publications is the search for a transformed economic and financial future for post-Brexit United Kingdom (UK). Both publications believe prosperity and justice can and must be held together at all levels of economic and financial architectures. The possibility of new trade negotiations, post-Brexit, with many parts of the world, including New Zealand, is noted.

Archbishop Welby believes our search for significant changes to economic and financial architectures at every level of world governance will 'need a generous and hospitable meta-narrative within which competing truths can be held' (p17).

In *Re-imagining Britain* the Archbishop explores how trade and investment negotiators could work together in respectful relationships of identity and love -
• characterised by courage, creativity and a healthy competition of ideas (pp43-46);
• committed to the common good, solidarity and subsidiarity within, across and between nations (pp38-41);
• committed to creating communities of provision (characterised by sharing), universal destination of goods (all that exists is for all – the living and all who will come) and gratuity (there is more than enough for all) (pp32-37);
• committed to nations and communities of stability, resilience and hope (rather than optimism), and sustainability under pressure (pp47-53).

We believe such an approach to every stage of all trade, investment and economic negotiations would enable the possibility of prosperity and justice for all.

We support 9 of the 10 bottom lines of the (New Zealand) 'Its Our Future' group for inclusive progressive Trade and Investment Agreements.

We recommend clearer wording for point No 7 to indicate the essential partner status for Maori and all indigenous peoples (as supported by the UN Declaration on the Rights of Indigenous Peoples).

1. An end to secrecy: open negotiations and regular release of draft texts;
2. Democratic oversight: increased role of parliament & the public;
3. Unrestricted right to protect the public interest and the environment; strong enforceable carve-outs;
4. Regulation of Overseas Investment: government able to set own rules;
5. Protection of international law: that it takes precedence to the details of any Trade agreement;
6. No Investor State Dispute Settlement: other than those available to local investors;
7. Honouring the Te Tiriti o Waitangi: a relationship in which Maori are the Treaty partner with the Crown not one among many stakeholders;
8. Exclude Local Government: so they remain free to make their own decisions;
9. Retain the role of the State: concerning economy, assets, public services, and commercial activities;
10. Promote the free flow of knowledge and information: no new monopoly rights over the digital domain.
Finally, the Auckland Anglican Diocesan Synod has twice passed resolutions calling for binding referendums before final ratification of the TPPA (2016) and the revised TPPA following the USA withdrawal from TPPA (2017). The Synod was concerned about the situation where trade agreements only had to be ratified by the Cabinet with any subsequent legislation needed for enactment being brought the House. This process allowed only minimal public input to ratification following lengthy secret negotiations and was considered to be undemocratic. Without significant changes to the ratification process the only alternative, in the view of Synod, was a binding referendum. The Social Justice Group continues to support binding referendums for any Trade and Investment Agreement with clauses that restrict in any way the ability to the New Zealand Public and Parliament to make laws and regulations to the benefit of New Zealanders.

Yours sincerely

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