

**12 May 2015**

**An Open Letter to the Political Leaders of the Countries Negotiating the Trans-Pacific Partnership Agreement:**

*As current and former legislators with responsibility for making the laws for our countries we are gravely concerned about the potential for the Government of the United States of America to apply the process known as 'certification' to the Trans-Pacific Partnership Agreement.*

*In the implementing bills of its recent past Free Trade Agreements (FTAs), the US government has included a requirement to withhold implementation of that agreement until the other government has satisfied the US understanding of that country's obligations under the agreement by changing its laws, regulations and procedures to satisfy the US demands. Until it has done so, the United States will not complete the exchange of letters with that country, which is necessary to bring the agreement into force between them.*

*In past US FTAs, this has resulted in the United States extracting additional concessions from countries, its officials drafting the other country's laws, agreements going into effect at different times for different countries, and lengthy delays in trade pacts' implementation for some countries.*

*If applied to the TPP, this practice would infringe on the sovereignty of our governments to determine the meaning and extent of the obligations they have agreed to and adopted under the TPP; it would impugn the constitutional authority and responsibility of legislatures and lawmakers; and it would constitute interference by a foreign government in the sovereignty of our countries.*

*We therefore call upon our governments:*

- i. to ensure that any final TPP contains an effective provision that will protect our sovereign lawmaking authority from such external influence and affirm our constitutional right to determine exclusively whether our government has taken all the measures necessary to comply with the provisions of the Agreement prior to it coming into force; and*
- ii. to resist any attempt by another TPP Party to influence the drafting of our laws prior to the agreement coming into force, recognising that a final agreement would provide an adequate and appropriate forum for dispute settlement if and when another Party believes that our country's laws, regulations or procedures do not comply with our obligations under the TPP.*

Signed by

**Australia**

Kelvin Thomson MP, Deputy Chair of the Joint Standing Committee on Treaties,  
Australian Labor Party

Senator Peter Whish-Wilson, Spokesperson on Trade, Australian Greens

**Canada**

Don Davies MP, Critic for International Trade, New Democratic Party

Elizabeth May MP, Leader, Green Party of Canada

## **Japan**

Yukio Hatoyama, former Prime Minister of Japan and former Member of the House of Representatives

Masahiko Yamada, former Minister of Agriculture, Forestry and Fisheries and former Member of the House of Representatives

Megumu Tsuji, former Member of the House of Representatives

Susumu Saito, former Member of the House of Representatives

Tomohiko Mizuno, former Member of the House of Representatives

Hiroshi Kawauchi, former Member of the House of Representatives

Kazuo Takamatsu, former Member of the House of Representatives

Tsutomu Takamura, former Member of the House of Representatives

Seiichiro Doku, former Member of the House of Representatives

Mizuho Fukushima, Member of the House of Councillors, former Minister of State for Special Missions, Social Democratic Party

Takashi Shinohara, Member of the House of Representatives, former Vice-Minister of Agriculture, Forestry and Fisheries, Chairperson of Diet Member's Caucus to Cautiously Consider the TPP, Democratic Party of Japan

Katsumasa Suzuki, Member of the House of Representatives, former Secretary General of 'People's Life First', Democratic Party of Japan

Takeshi Maeda, Member of the House of Councillors, former Minister of Land, Infrastructure, Transport and Tourism, Democratic Party of Japan

Kumiko Aihara, Member of the House of Councillors, Democratic Party of Japan

Akio Fukuta, Member of the House of Representatives, Democratic Party of Japan

Takako Suzuki, Member of the House of Representatives, Democratic Party of Japan

Kaoru Tashiro, Member of the House of Councillors, Democratic Party of Japan

Toshio Ogawa, Member of the House of Councillors, former Minister of Justice, Democratic Party of Japan

Teruhiko Mashiko, Member of the House of Councillors, former Vice-Minister of Economy, Trade and Industry, Democratic Party of Japan

Eri Tokunaga, Member of the House of Councillors, Democratic Party of Japan

Shizuka Kamei, Member of the House of Representatives, former Minister of Transport, former Minister of Construction, former Minister of State for Special Missions, Independent

Taro Yamamoto, Member of the House of Councillors, The People's Life Party and Taro Yamamoto and Friends

Tomoko Kami, Member of the House of Councillors, Japan Communist Party

Yoshiko Kira, Member of the House of Councillors, Japan Communist Party

## **Malaysia**

Yang Berhormat Tuan Wong Chen, Parti Keadilan Rakyat, Member of the Malaysian Bipartisan Parliamentary Caucus on TPPA

Yang Berhormat Dr Michael Jeyakumar Devaraj, Parti Sosialis Malaysia, Member of the Malaysian Bipartisan Parliamentary Caucus on TPPA

Yang Berhormat Puan Nurul Izzah binti Anwar, Parti Keadilan Rakyat, Member of the Malaysian Bipartisan Parliamentary Caucus on TPPA

Yang Berhormat Senator Tuan Syed Shahir bin Syed Mohamud, Parti Keadilan Rakyat, Member of the Malaysian Bipartisan Parliamentary Caucus on TPPA.

### **New Zealand**

Hon Margaret Wilson, former Speaker of the House of Representatives and Attorney General, New Zealand Labour Party

Andrew Little, Leader of the New Zealand Labour Party

Hon Winston Peters, Leader of New Zealand First, former Minister of Foreign Affairs

Hon Te Ururoa Flavell, Co-Leader of the Maori Party

Marama Fox MP, Co-Leader of the Maori Party

Russel Norman, Co-Leader of the Green Party of Aotearoa

Metiria Turei, Co-Leader of the Green Party of Aotearoa

Jeanette Fitzsimmons, former Co-Leader of the Green Party of Aotearoa