

Parliament debate on TPPA useless
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COMMENT | Oct 5, 2015. A black Monday indeed for Malaysia and Malaysians.

Negotiations on the Trans-Pacific Partnership Agreement (TPPA) ended yesterday in Atlanta, US.

The International Trade and Industry Minister Mustapa Mohamed said in a statement that the complete and official text of the agreement will be released to the public and presented to parliament for debate.

This does not mean a thing.

Even though debated by parliamentarians, the agreement cannot be amended. Public consultations cannot change any provisions in the agreement.

We can argue about every clause in the agreement and point out its strengths or weaknesses but we cannot change any word or sentence or paragraph.

Therefore, after five years of negotiations, the TPPA is at a stage where only a YES or NO decision is required - a decision that only the prime minister, with the advice of his cabinet, can make.

What was promised to us is a parliamentary debate, not approval.

Under Malaysian law, trade agreements, the TPPA in particular, do not require parliamentary approval. The power to decide rests on the executive.

It's a done deal

This is a done deal. No country has ever walked out of an agreement after negotiations have concluded.

Two years of ratification does not mean we can amend anything. It only means that we need to amend and legislate all laws or if need be, the federal constitution, so that it complies with the TPPA.

In Malaysia, ratification does not need parliamentary approval. Ratification is like a cooling off period, where at the end of it, we have to prepare ourselves to be sued by foreign companies via the Investor-State Dispute Settlement (ISDS) mechanism, as well as State-State Dispute Settlement (SSDS) which may include trade sanctions.

Officials have made vague, confusing public statements that do not provide a clear picture

of the entire process which can be easily understood by the public or the media. Based on comments we have gathered from our social networking sites and engagement with the media, we can see that there are many out there who assume that changes can be made to the agreement within the domestic process after the negotiations have concluded either by legal scrubbing, consultations, parliamentary debates or the two-year ratification process.

Let us be clear here. No amendments can be made.

Cost Benefit Analysis still missing

We have posted various questions, memos and recommendations to the government and we have not received even one satisfactory answer, other than very general, broad and superficial feedback.

The release of a Cost Benefit Analysis (CBA) or National Interest Analysis had been promised and postponed since end of last year to every consecutive month since May 2015 to date.

Until now, it has not been released and we only have three months from the official date of negotiation's conclusion to the date that it has to be signed.

The CBA, if finalised and released earlier would have provided the public and interested parties with a greater understanding of the TPP and its implications.

Will three months be enough for us to educate, understand, analyse, debate and make a decision?

Why has it not been done earlier within the past five years while negotiations were taking place?

In this instance, we believe the government has failed the rakyat by not being responsible enough to commission an in-depth study, a CBA which can be debated before negotiations had been finalised.

Despite the conclusion of negotiations, we still firmly and unequivocally maintain our position that TPPA will not benefit Malaysia's trade or economic health. It will not benefit the livelihood of its people.

No evidence have been presented over the past five years, no concrete data, facts or analysis, other than lip service by its proponents.

Anniversary of the Pangkor Treaty

We maintain our position as articulated in the details of our 2014 report, "TPPA Malaysia is Not for Sale" and the 77 redlines that we have outlined. The possible impact includes:

- Restrictions of policy space
- Intrusions on legal and political sovereignty;
- Huge impact to SMEs and infant industry;
- Access to affordable medicine;
- IP effect to knowledge and information institutions and industries;
- State Owned Enterprises (SOEs) cannot function as both commercial and socially driven entities with national objectives; and
- Foreign companies must be treated as well or better than domestic companies;

We believe within the so-called exclusions, flexibilities, transition period and differential treatment are not safe solutions but are merely delay tactics full of booby traps and entrapment.

From this day to the next 90 days, Malaysia has only two choices to choose from: Either accept the TPPA as a whole or reject it in total.

We still have a say if we choose to speak up.

The article 'Don't let TPP jeopardize Malaysia's Economic Development' by Nobel laureate in Economic Joseph E Stiglitz and Adam S Hersh, which we released last week stated: "The trade agreements are not *free* trade agreements, but managed trade agreements, and typically managed for the interests of corporate interests."

We should also be very concerned by this statement: "Not surprisingly, the big winners are corporate interests in the US, the big losers are ordinary citizens, both in the US and elsewhere."

The signing of the agreement on January 2016 will coincide with the 140-year anniversary of the Pangkor Treaty.

This is our leader's legacy, one that will affect Malaysians for generations to come. Do not let history repeat itself.

Reject TPPA. Stop TPPA.

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