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For Immediate Release:
May 19, 2014

Contact: Lori Wallach, lwallach@citizen.org
Ira Arlook, (202) 258 5437 ira@fenton.com

On Eve of ‘Check In’ Ministerial, Top 10 Signs That Obama Administration Should Call It Quits on Trans-Pacific Partnership Negotiations

Twenty-one Multilateral TPP Meetings Since ‘Final’ August 2013 Brunei Negotiating Round, All Without Even a Facade of Stakeholder Input Process

WASHINGTON, D.C. – The office of the U.S. Trade Representative (USTR) worked to spin down expectations for a May 19-20 ministerial-level meeting on the Trans-Pacific Partnership (TPP) even before last week’s TPP chief negotiators meeting in Vietnam that failed to resolve deadlocks on the [myriad outstanding TPP issues](#).

While 600 official U.S. trade advisors, mainly comprised of corporate representatives, have continued to obtain information and give input on TPP negotiations, the last opportunity for official “stakeholder” input into the TPP took place August 24–31, 2013, during the 19th round of negotiations in Brunei. However, heads of state, negotiators and ministers have continued to meet in an attempt to finalize a TPP. Without even the pretense of providing opportunities for civil society to engage in the process, in the past nine months, TPP countries have had at least one heads-of-state summit, two ministerials, four meetings of chief negotiators, 14 so-called “intersessionals,” four Obama bilateral heads of state meetings and endless U.S.-Japan bilateral negotiations and ministerials. And these are only the meetings that have been reported.

Meanwhile, the U.S. government continues to use large sums of taxpayer money to push negotiations to obtain a TPP agenda favored by corporate interests that remains stalled in the face of growing opposition in the United States and throughout TPP countries. The U.S. government was the official host of the Vietnam meeting this week and will be the official host of the upcoming ministerial meeting in Singapore.

Following are the top 10 indicators of why the USTR has decided to tamp down expectations once again for a negotiation that has supposedly been in an “end game” since last year:

- 1) **U.S. and Japanese officials have offered [conflicting versions](#) of the outcomes of their bilateral “breakthrough”-but-not-a-deal non-deal from Obama’s Japan visit when briefing their TPP colleagues.** Indeed, Japan was among the countries arguing that the state of U.S.-Japan market access negotiations was not sufficiently advanced to merit another TPP ministerial meeting.

- 2) **An LDP bloc in Japan's Diet [adopted another resolution](#) last week, while TPP chief negotiators met in Vietnam, reiterating the ruling party's requirement that the TPP must protect a list of "sacred" agricultural commodities.** The Japanese parliamentary action by Prime Minister Shinzo Abe's own political party, making clear it will not support a TPP that zeroes out agricultural tariffs, is seen as a direct response to U.S. [congressional](#) and [agribusiness](#) statements that only a TPP that does so is politically acceptable.
- 3) **Vietnam's former trade minister, who is a current senior advisor on TPP negotiations, recently [declared](#) that Vietnam would not accept a TPP requirement that workers be allowed to establish independent labor unions.** Former Minister Truong Dinh Tuyen said Vietnam instead would accept a compromise that devolved some power to local unions.
- 4) **U.S. trade officials announced that Japan would advance market access talks with other TPP nations at the Vietnam lead negotiators meeting and that this was a sign of a new stage in negotiations – [except that is not what Japan intended or did](#).** Other countries are unlikely to even consider high-stakes tradeoffs relating to U.S. demands that could raise drug prices, extend the scope of investor-state dispute liability, limit financial regulation, discipline state-owned enterprises, and enforce labor and environmental standards without knowing what prospective market access opportunities might be forthcoming.
- 5) **On May 1, the Sultan of Brunei [implemented a new Sharia-law-based penal code](#) that calls for jail terms for the wearing of immodest clothing, pregnancies outside marriage and abortion, with death by stoning for adulterers, gays and lesbians to be phased in later.** The move prompted new U.S. constituencies to [join the anti-TPP effort](#).
- 6) **The USTR's concern that the optics of not having a TPP ministerial when all of the countries' trade ministers are together for a pre-scheduled APEC meeting overcomes opposition by other TPP nations to meeting when there is nothing ready for ministers to decide.** Thus, the announcement of a "[check-in](#)" ministerial, which ministers from at least three TPP nations do not plan to attend.
- 7) **Japanese officials or press are creating a series of red herring stories.** Reports of near-deals on intellectual property, new U.S. proposals and more [do not relate](#) to what happened on the ground in Vietnam. Indeed, the Japanese press has run a series of follow-up stories speculating about who is generating the misdirects and why. There is no indication that [key areas of controversy](#) that existed in previous ministerials in the areas of intellectual property, investment, environment, labor, state-owned enterprises and more are much closer to resolution, even after the expense of the past months of negotiations. The U.S. ambassador to Malaysia recently [expressed hope](#) that the deal might be concluded by 2017.
- 8) **The USTR continues to [avoid raising](#) currency issues at chiefs or ministerial levels, even though it is increasingly clear that a TPP without enforceable currency rules is [dead on arrival](#) in the [U.S. Congress](#).** If negotiations were nearing a final deal, this issue would have to be raised; Congress' outspoken position has made clear to the other TPP nations that either this issue will be raised in negotiations or it will be raised later as an additional demand after

‘final’ concessions have been made, as was seen in the Korea Free Trade Agreement renegotiation four years after signing.

- 9) **The prospect of passage of any form of trade authority in 2014 is [dimming](#).** Indeed, some congressional Fast Track proponents are already talking about the prospect that President Barack Obama may never obtain trade authority, so they are [setting their sights on 2017](#). As the other TPP countries recognize the lack of congressional support for Fast Track and TPP, their willingness to make U.S.-negotiator-demanded concessions on issues with high political costs at home also dims.
- 10) **In April, Chile’s Trade Ministry under recently elected President Michelle Bachelet [confirmed](#) that it is conducting a comprehensive review of the scope of the TPP** and what its impact could be for Chile, noting that it is initiating a process of transparency and openness in the negotiations to include civil society input into their review. The website states, “We consider that there are many issues that are still open, the negotiation still has a ways to go.”

For more information about the TPP, please visit <http://citizen.org/tpp>.

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