

TRANSPARENCY AND CORRUPTION: A ROLE IN MEGA TRADE DEALS

A new generation of 'mega-regional trade agreements', currently in the making, address regulatory matters beyond questions of tariff barriers. This shift makes it all the more urgent that the agreements set good governance standards, such as on regulatory transparency and anti-corruption provisions, at each step of the process.

'Mega-regional' trade agreements reflect deep integration between countries and regions controlling a major share of the world's trade and foreign direct investment.¹ 'Mega-regional' agreements include the Transatlantic Trade and Investment Partnership (TTIP), negotiated between the United States and the European Union; the Comprehensive Economic and Trade Agreement (CETA), recently concluded by Canada and the European Union; and the Trans-Pacific Partnership (TPP), signed by 12 countries in North America, Asia and the Pacific.²

These agreements are unlike traditional trade agreements, since their focus is to eliminate non-tariff barriers in areas as diverse as chemicals, the environment and public health protection.³ Countries commit to follow a set of common procedures and to harmonise their policies in order to reduce the risk of divergence in rules and regulations that could obstruct the liberalisation of trade.

As part of this process, transparency and anti-corruption provisions must be equally aligned at an ambitious level so as to ensure that the agreements provide broader society with the intended economic benefits from trade liberalisation. These measures must start with and encompass the negotiation phase and continue throughout. They should cover how the agreement's institutional architecture and mechanisms are established and include explicit anti-corruption clauses as part of the deal.

THE ISSUE

Corruption should be treated and tackled just like any other barrier to trade. It has been estimated that corruption can generate trade costs that are equivalent to those arising from tariffs.⁴ Pushing for increased transparency as part of trade agreements can help. For example, estimates show that aligning policies that enhance transparency in regional trade agreements would increase bilateral trade by more than 1 per cent.⁵

The agreements made under the umbrella of the World Trade Organization (WTO) contain a wide range of transparency obligations. The only provisions expressly addressing corruption appear in the WTO's Agreement on Government Procurement (GPA), however. The GPA, signed by eighteen parties, commits signatories to open part of their public procurement market to foreign operators. The GPA mentions the need for transparency and anti-corruption in its preamble, with a reference to the United Nations Convention against Corruption (UNCAC).⁶ Overall, though, the agreement is considered insufficient to address corruption in the life cycle of an actual procurement process.

In terms of bilateral and regional agreements, over time there has been a growing tendency to include more transparency and anti-corruption provisions. This has been the case in those concluded by countries such as Canada, Chile, Japan, South Korea and the United States. The United States, the European Union, Australia and New Zealand have been the most active in including 'WTO-plus' provisions in their trade agreements. These provisions build on the transparency obligations found in WTO agreements, and contain additional specifications.

TRANSPARENCY AND THE TRADE POLICY CYCLE

Transparency International believes that there is still insufficient transparency at each stage of the trade agreement process. While pressure from civil society organisations and the broader public has helped to improve disclosure on and communication about trade negotiations, the current level of transparency remains largely out of step with contemporary disclosure standards and accountability mechanisms. Such opacity in international trade deals, which reach so deeply into national policy, generates and amplifies serious risks of undue influence and policy capture by well-connected, well-resourced interests.

The arguments for including transparency and participation in the negotiation and design of trade agreements are essentially the same as those for the need to incorporate openness and consultation in government policy-making: they help to ensure that all relevant interests can be articulated and considered, so that decisions are well reasoned and deliver the best possible outcomes for society.⁷

Transparency, participation and anti-corruption measures must run throughout the duration of trade agreement negotiations. This life cycle can be split into four major phases: (1) the process of taking the decision to enter into negotiation, as well as defining the scope of the negotiations; (2) the negotiation rounds; (3) the conclusion of an agreement; and (4) its (ongoing) implementation.

A lack of transparency in any of these phases can have significant spill-over effects for each of the subsequent ones. Against this backdrop, public participation is a vital part of the policy-making. Even though it may require more resources, especially in terms of time, it is important to find an appropriate balance between the obligation to disclose negotiation documents, in order to ensure broad participation, and the need to expedite the decision-making and implementation processes.

A LEVEL PLAYING FIELD FOR TRANSPARENCY?

Although international negotiations are traditionally highly confidential, several trade organisations and international agreements³⁴ are increasingly characterised by higher transparency standards. They are disclosing more documents related to the negotiation process. The World Trade Organization, in particular, has improved considerably, and can serve as a potential benchmark for mega-regional trade agreements.³⁵

Even so, the general level of transparency remains below what is the standard in policy-making at the country level, and even in comparison to the level of disclosure by the WTO on negotiation positions.³⁶ Imbalances remain in terms of the breadth of information disclosed (some parties disclose more than others) and the depth of stakeholder consultation (business representatives have a more prominent place in the negotiations).

Finally, across countries, the sharing of information with domestic legislatures (and, in the case of the European Union, the European Parliament) remains insufficient, putting in doubt democratic oversight and the overall legitimacy of the negotiated texts.

Parties to these discussions often invoke confidentiality, arguing that it is essential to preserve the privacy of tactical decisions and protect sensitive commercial information regarding their domestic industries. There is mounting demand, however, that negotiations should be conducted with greater transparency than has conventionally been the case. Such tactical considerations may have been seen as necessary when trade negotiations were limited to tariff concessions, but this argument loses relevance given that the opening up of trade now includes non-tariff issues as part of a process of convergence. In this respect, the rationale is to create the necessary conditions for equal representation of the many different interests involved and to engage the public early on, so as to facilitate their support of the negotiations and outcomes. For example, the European Union has started to publish online all the position papers it has submitted to the United States in the framework of TTIP negotiations, and has made considerable efforts to explain the contents of the agreement to the general public in the wake of public protests.⁸

Nevertheless, there remains an overarching impediment to greater transparency in the negotiation phase of trade agreements. Access to information laws often include provisions that limit public access to information regarding deliberations or decision-making. These limitations may also apply to bilateral or plurilateral trade agreement negotiations. Transparency International's view, however, is that such restrictions should be aligned with international best practice,⁹ which suggests that there has to be a 'pressing social need' for the restriction.¹⁰ Different types of information about trade agreement negotiations should be handled differently.¹¹

In the context of TTIP, the EU Commission has started to hold regular stakeholder briefings after each negotiation round, as well as what it calls 'Civil Society Dialogues'.¹² In addition to these periodic meetings, the EU Commission has established a permanent 'Stakeholder Advisory Group' the members of which are granted special access to negotiation information.¹³ The European Parliament has a prominent role in TTIP as a co-legislator. It is briefed by the EU Commission after each round of talks, and MEPs have access to restricted negotiation documents, though they are not allowed to disclose them to the public.¹⁴ Regarding dispute resolution, the EU Director General for Trade, Jean-Luc Demarty, with the backing of the European Parliament, has proposed the Investment Court System for TTIP and other trade and investment negotiations to replace the current investor-to-state dispute settlement (ISDS) mechanism.

There are still challenges, however, and the formal consultation mechanisms are not enough. As shown by Transparency International's EU Integrity Watch, 146 lobby meetings with EU officials regarding TTIP were publicised between December 2014 and July 2016, with nearly 80 per cent of these being held with corporate and industry representatives.¹⁵ Even more concerning, the existing European Commission rules on lobbying transparency do not cover the vast majority of the officials involved in negotiating TTIP.¹⁶

An attempt to remedy the situation has been made by the EU ombudsperson, who has called for more transparency in stakeholder consultations and suggested that submissions by third parties to the EU Commission be made public.¹⁷ Despite some efforts by the EU Commission to follow the ombudsperson's recommendations, it refuses to publish proactively the agenda, participants and records of private meetings¹⁸ with stakeholders, claiming concerns over data privacy.¹⁹

THE ROLE OF ANTI-CORRUPTION MEASURES IN TRADE

Corruption is arguably one of the most significant obstacles to open, competitive markets and to maximising the benefits from trade. The European Union has estimated that corruption costs its economy €120 billion each year, which is slightly less than the entire yearly EU budget.²⁰ Interestingly, this is also the

SETTING THE TONE WITH IMPACT ASSESSMENTS

Impact assessment (IA) studies are a good start for determining the benefits of a proposed trade agreement.

They should be carried out by independent³⁷ consultants, however; include robust consultations and a high level of transparency; and be completed before major decisions are taken, so as to properly inform them.

Public consultations over the methodologies employed in the assessments can help safeguard the independence of the IA results and the quality of the analysis.³⁸

These can help to counterbalance the risk that low transparency and limited consultation in negotiating the agreements might result in giving disproportionate consideration to actors with high bargaining power.

same amount that an EU-commissioned Centre for Economic Policy Research study²¹ estimates as a one-time potential gain for the European Union once the “ambitious and comprehensive TTIP...is fully implemented and the economies fully adjust”.²² This suggests that measures to safeguard and promote the integrity of business and international commerce should be equally as important as signing these new mega-regional trade agreements, given the potential benefits that each could release.

As recognised by the European Commission,²³ there is a real risk of disproportionate influence being sealed into the future architecture and workings of the multilateral trade system. This is particularly concerning if the provisions for investor protection, government procurement, dispute resolution and regulatory cooperation, as well as the ‘standstill’ and ‘ratchet’ clauses and the mutual effects of all these provisions, are not open for public discussion before the signing of an agreement and if they are not accompanied by a robust and effective anti-corruption framework. For instance, there is a need for safeguards to control conflicts of interests on the part of arbitrators and experts, as well as to limit undue influence from global businesses to pick the regulatory and dispute resolution environments (known as ‘forum shopping’) that suit them best. Without such measures, there is a risk that related actions will come at the expense of democracy (‘policy capture’) and of groups that are less well resourced or represented, including small companies, smaller countries and consumers.

Any anti-corruption provisions included in trade agreements must complement, rather than compete with, existing anti-corruption commitments. Parties to the currently negotiated trade agreements and investment treaties should, therefore, accede to these global and regional anti-corruption instruments if they have not already done so.²⁴

In recent years a certain number of regional trade agreements (RTAs) have included anti-corruption provisions, which are traditionally left out from such agreements. The United States and Canada are the countries that have most frequently and extensively included anti-corruption and anti-bribery references,²⁵ followed more recently by the European Union. These provisions are considered close to ‘best practices’, covering issues ranging from whistleblower protection to establishing the criminalisation of bribery, including for enterprises,²⁶ and also providing for related penalties and procedures so as to ensure enforcement.²⁷

Finally, in the currently or recently negotiated mega-regional trade agreements, only the TPP includes – as at the end of 2015 – a specific transparency and anti-corruption chapter.²⁸ While this initiative sets an important precedent for using trade agreements to promote anti-corruption efforts, its added value will largely be determined by its actual implementation and enforcement. The effects that such provisions may have in practice remain uncertain, especially because of the poor incentives for bringing anti-corruption cases²⁹ and the exclusion of certain important provisions from dispute settlement mechanisms, in particular with regard to the enforcement of anti-corruption obligations in domestic legislation.³⁰

WAY FORWARD

Transparency and robust anti-corruption provisions are key for ensuring that mega-regional trade agreements respond to public concerns and the identified risks arising from this new generation of trade liberalisation efforts.

The following points are some potential areas for action to ensure that transparency and an anti-corruption stance form the building blocks of any trade agreement and at each step of the process. These could apply to ongoing and future negotiations, as well as apply retroactively to past agreements.

Establish clear transparency guidelines and policies for trade negotiations

TPP, TRANSPARENCY AND NEW ZEALAND

New Zealand started negotiations on the TPP with the European Union in 2008, and the deal was signed in February 2016, but it faced criticism from the country’s Members of Parliament and civil society because of the general lack of transparency in the process.³⁹

A case was brought to the New Zealand High Court over the administration’s lack of information disclosure in the TPP negotiations. An attempt had been made to use official instruments to access the information through the Official Information Act, but the request was denied. The High Court decided in favour of the applicant, and ordered the minister in charge to review his decision to withhold the information requested. Unfortunately, this decision came after the TPP agreement had already been reached.

- Ensure that initial assessments of the scope and impact of agreements are guided by transparent, consultative procedures.
- Disclose the negotiating mandate prior to beginning formal negotiations.³¹
- Establish a common, mutually agreed disclosure policy.
- Ensure that all domestic institutions and actors – particularly Members of Parliament and their advisers – have timely and complete access to negotiating documents.
- Limit confidentiality between parties as much as possible throughout the negotiation process.

Establish clear and transparent accountability channels for all stakeholders in the implementation of the agreement

- Foster participation by different stakeholders throughout the regulatory process and set up a common website for easy access to all regulations.
- Adopt good-practice policies for lobbying transparency.³²
- Avoid 'forum shopping' and 'policy capture' and ensure that all parties trading or investing in one of the partner states are subject to the same legal system and are treated equally (the principle of non-discrimination).³³

Set up strong anti-corruption measures that meet global standards

- Include a solid anti-corruption framework.
- Include a general commitment to fighting corruption, with explicit reference to both the UN Convention against Corruption and the Organisation for Economic Co-operation and Development's Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (usually referred to as the OECD Anti-Bribery Convention), inviting all non-parties to join the two conventions.
- Include enforceable anti-corruption provisions in all the chapters of a trade agreement that are potentially exposed to corruption.
- Monitor and publicly report on the implementation of anti-corruption commitments in TTIP, CETA and the TPP by building on the parallel monitoring use by Transparency International and others of international anti-corruption instruments.

NOTES

¹ The founding TTIP members have combined GDP of US\$ 34 trillion (about 46 per cent of world GDP), transatlantic goods and services exports of US\$ 1.1 trillion (about 6 per cent of world exports), and transatlantic direct investment of US\$ 3.9 trillion (about 16% of world outward investment). <http://jiel.oxfordjournals.org/content/18/3/679.full>

² Between Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, United States, Vietnam.

³ See e.g. EU Proposal for a Chapter on Regulatory Cooperation, originally published on 10 February 2015; http://trade.ec.europa.eu/doclib/docs/2015/february/tradoc_153120.pdf (amended 4 May 2015 ; http://trade.ec.europa.eu/doclib/docs/2015/april/tradoc_153403.pdf; hereinafter the EU Proposal). For the CETA Chapter on Regulatory Cooperation, see http://trade.ec.europa.eu/doclib/docs/2014/september/tradoc_152806.pdf For the TTP provisions devoted to regulatory coherence, see <https://medium.com/the-trans-pacific-partnership/regulatory-coherence-6672076f307a#sm60ici5q>

⁴ James Anderson and Douglas Marcouiller, 'Insecurity and the Pattern of Trade: An Empirical Investigation', *The Review of Economics and Statistics*, vol. 84 (2002): 342–52.

⁵ Iza Lejárraga and Ben Shepherd, *Quantitative Evidence on Transparency in Regional Trade Agreements*, Trade Policy Paper no. 153 (Paris: Organisation for Economic Co-operation and Development, 2013). Lejárraga and Shepherd further note that the expected increase in intra-regional trade could be over 15 per cent: see page 5.

⁶ The implementation of the GPA is ensured by the GPA Committee, and a review is submitted to the Dispute Settlement Mechanism of the WTO.

⁷ Cary Coglianese, Heather Kilmartin and Evan Mendelson, 'Transparency and Public Participation in the Rulemaking Process: Recommendations for the New Administration', *George Washington Law Review*, vol. 77 (2009), 924–72.

⁸ The previous EU Trade Commissioner, Karel De Gucht, did not have a practice of publishing information. Following broad public complaints, the new EU Trade Commissioner, Cecilia Malmström, began to publish fact sheets and position papers, in November 2014.

⁹ This is in line with how article 19 of the International Covenant on Civil and Political Rights is interpreted by the UN Human Rights Council, as in the *Report of the United Nations High Commissioner for Human Rights and Follow-up to the World Conference on Human Rights: Addendum*, A/HRC/10/31/Add.3 (New York: United Nations, 2009), 7; and how article 10 of the European Convention on Human Rights is interpreted by the jurisprudence of the European Court of Human Rights, as in *Freedom of Expression in Europe: Case-Law Concerning Article 10 of the European Convention on Human Rights*, Human Rights File no. 18 (Strasbourg: Council of Europe Publishing, 2007).

¹⁰ Agnes Callamard, *Expert Meeting on the Links between Articles 19 and 20 of the ICCPR: Freedom of Expression and Advocacy of Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence* (Geneva: Office of the United Nations High Commissioner for Human Rights, 2008), 5, available at www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/experts_papers/Callamard.doc.

¹¹ For example, the timely disclosure of draft versions of the trade agreement would allow all stakeholders to comment on and have equal access to participation in the negotiation process. Nevertheless, information about negotiating positions, the opinions of the participating country representatives, e-mail exchanges on formulating proposals in the negotiations and similar documents could be made accessible when the agreement is concluded.

¹² See <http://trade.ec.europa.eu/civilsoc/meetdetails.cfm?meet=11411> (first meeting: 16 July 2013) and http://trade.ec.europa.eu/doclib/docs/2016/june/tradoc_154661.pdf (30 May 2016).

¹³ Transatlantic Trade and Investment Partnership Advisory Group, 'Terms of Reference' (Brussels: European Commission, 27 January 2014), available at <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetailDoc&id=11459&no=1>.

¹⁴ See European Parliament News, 'The European Parliament and the TTIP', 24 February 2015, www.europarl.europa.eu/news/en/news-room/20150224BKG25024/The-European-Parliament-and-the-TTIP.

¹⁵ EU Integrity Watch is an interactive database that has provided an overview of the lobby meetings of the European Commission since December 2014: see <http://www.integritywatch.eu>. To get the results quoted in the study, type 'TTIP' into the search function.

¹⁶ More data on this, collected by the Corporate Europe Observatory (CEO) through access to document requests, showed that 88 per cent of the total lobby meetings held with the Directorate General Trade on TTIP took place with corporate actors, while only 9 per cent of meetings were with non-governmental organisations (NGOs), consumer organisations and trade unions. The remaining 3 per cent were divided between standard setters (2 per cent) and miscellaneous (1 per cent). The data set of the CEO also identifies the sectors that are most prone to lobbying by corporate actors. See Corporate Europe Observatory, 'Revolving Doors', <http://corporateeurope.org/power-lobbies/revolving-doors>, and, more specifically, 'Dataset for Info-graphics on TTIP Lobbying', http://corporateeurope.org/sites/default/files/attachments/data-ttip-lobbying-dg_trade.xls. See also Andreas Dür and Lisa Lechner, 'Business Interests and the Transatlantic Trade and Investment Partnership', in Jean-Frédéric Morin, Tereza Novotná, Frederik Ponjaert and Mario Telò, eds., *The Politics of Transatlantic Trade Negotiations: TTIP in a Globalized World* (Farnham, UK: Ashgate Publishing, 2015), 69–79.

¹⁷ European Ombudsman, 'Letter to the European Commission Requesting an Opinion in the European Ombudsman's Own-Initiative Inquiry OI/10/2014/MMN Concerning Transparency and Public Participation in Relation to the Transatlantic Trade and Investment Partnership (TTIP) Negotiations', 29 July 2014, www.ombudsman.europa.eu/cases/correspondence.faces/en/54633/html.bookmark#_ftn8.

¹⁸ In European Ombudsman, 'Ombudsman's Analysis of the Commission's Follow-up Reply in OI/10/2014/RA on Transparency and Public Participation in the TTIP Negotiations', 6 January 2015, the ombudsperson affirms that "data protection should not be used as an automatic obstacle to public scrutiny of lobbying activities in the context of TTIP. As an issue of general policy, it would be in the interests of transparency, and in particular in the interests of promoting participatory democracy, for the Commission systematically to inform interest representatives, in advance of meetings with Commission staff members, that the Commission intends to release the names of interest representatives." See www.ombudsman.europa.eu/cases/correspondence.faces/en/59898/html.bookmark.

¹⁹ European Ombudsman, 6 January 2015: the Commission will “start asking organisations, which provide written papers to the Commissioner responsible for TTIP, if they agree to the publication of documents either as delivered or in non-confidential version”. Although this seems to be an initial step in the right direction, its light and voluntary approach works de facto as an impediment to transparency.

²⁰ European Commission, *EU Anti-Corruption Report*, Report from the Commission to the Council and the European Parliament COM(2014) 38 final (Brussels: European Commission, 2014), available at http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/organized-crime-and-human-trafficking/corruption/docs/acr_2014_en.pdf.

²¹ Centre for Economic Policy Research, *Reducing Transatlantic Barriers to Trade and Investment: An Economic Assessment* (London: Centre for Economic Policy Research, 2013), available at http://trade.ec.europa.eu/doclib/docs/2013/march/tradoc_150737.pdf.

²² The study estimates that an ambitious and comprehensive TTIP could bring significant economic gains for the European Union (some €120 billion) and the United States (€95 billion), once the agreement is fully implemented and the economies have fully adjusted. The study is quoted in European Commission, *Transatlantic Trade and Investment Partnership: The Economic Analysis Explained* (Brussels: European Commission, 2013), 6 (chap. 1.1), available at http://trade.ec.europa.eu/doclib/docs/2013/september/tradoc_151787.pdf.

²³ “As political scandals have repeatedly shown, complex connections are sometimes developed between political actors, private undertakings, media, trade associations and foundations. These connections are driven by mutual benefits in influencing key political and economic decisions, putting democratic institutions and procedures at risk and rendering the detection of corrupt practices more difficult.” European Commission, *Fighting Corruption in the EU*, Communication to the European Parliament, the Council and the European Economic and Social Committee, COM(2011) 308 final (Brussels: European Commission, 2011), 14, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0308:FIN:EN:PDF>.

²⁴ The United States and Canada are both parties to the OECD Anti-Bribery Convention, but their counterparts in CETA, TTIP and the TPP are not all parties. In the European Union, Croatia, Cyprus, Lithuania, Malta and Romania are not yet parties to the OECD Anti-Bribery Convention. Out of the TPP parties, Brunei, Singapore, Malaysia, Peru and Vietnam have not signed the OECD convention. The UNCAC has a wider set of ratifications. Japan is the only negotiating party to the three mega-regionals to have signed but not ratified the UNCAC.

²⁵ GAB: The Global Anticorruption Blog, ‘A Trade-Anticorruption Breakthrough? The Trans-Pacific Partnership’s Transparency and Anticorruption Chapter’, 23 November 2015, 36, <http://globalanticorruptionblog.com/2015/11/23/the-trans-pacific-partnerships-transparency-and-anticorruption-chapter>.

²⁶ GAB, 23 November 2015, 35.

²⁷ GAB, 23 November 2015, 35.

²⁸ The European Union has announced that it intends to advocate in favour of such a chapter in TTIP as well, but no draft text has yet been published. CETA includes corruption provisions only in its chapters on government procurement and on ISDS.

²⁹ GAB, 23 November 2015.

³⁰ GAB, 23 November 2015. This was noted by Transparency International EU in its comments to the first draft of this working paper. For more on this, see the passages on enforcement in the ‘Way forward’ section, particularly on government-to-government dispute settlement.

³¹ Transparency International Germany suggested that, so as to ensure the appropriate level of scrutiny over the scope of the agreement, there might be a need for a moratorium in the present negotiations and for a reopening of the discussions about the mandate to the EU Commission by the EU Council, in order to ensure sufficient time and opportunity to achieve a better balancing of all interests.

³² Transparency International, *Lobbying in Europe: Hidden Influence, Privileged Access* (Berlin: Transparency International, 2015), available at www.transparency.org/whatwedo/publication/lobbying_in_europe.

³³ These recommendations are based on suggestions made by Transparency International Germany.

³⁴ In their letter to the EU Commissioner on transparency of negotiations, NGOs point out that the WTO, UNFCCC, WIPO and the Aarhus Convention have more transparent practices.

³⁵ The WTO has also increased its efforts to improve transparency and consultation with civil society, particularly since 1999. All official WTO documents are unrestricted by principle, unless specific WTO bodies decide otherwise. This includes *inter alia* submissions by parties to negotiations and the minutes of all committee meetings. Moreover, all official documents are translated into the three official languages, English, French and Spanish. In addition, the WTO

Secretariat has pursued efforts both to make itself and member countries more sensitive to NGOs' concerns and to keep NGOs better informed, through regular reports and consultations.

³⁶ See footnote 4

³⁷ According to the Sustainability Impact Assessment Handbook of the DG Trade, independency is simply considered as an absence of conflict of interests. However, this is disputed in practice. Clive George, *The Truth about trade, the real impact of trade liberalisation*, Zed Books, 2010.

³⁸ This issue was brought to our attention by TI New Zealand, see Annex 1. Both the OECD and World Bank principles regarding RIA include public consultations as a step in the RIA process.

³⁹ Scoop (New Zealand), 'TPPA Signing Protest in Wellington', 4 February 2016, www.scoop.co.nz/stories/HL1602/S00013/tppa-signing-protest-in-wellington.htm.

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