



Human Rights  
Commission  
*Te Kāhui Tika Tangata*

10 August 2011

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Dear Jane

## **HUMAN RIGHTS IMPLICATIONS OF THE PROPOSED TRANS-PACIFIC PARTNERSHIP AGREEMENT**

Thank you for approaching the Human Rights Commission with your concerns about the potential human rights implications of the Trans-Pacific Partnership Agreement (TPPA).

Specifically you have requested that the Commission, as a preliminary step, conducts a scoping study of the human rights issues raised by these negotiations in consultation with human rights bodies in the participating countries. Such a study could also establish whether there is the need for a full *ex ante* Human Rights Impact Assessment of the proposed TPPA.

The Commission has considered the very helpful material supplied to support your request. This included the Thailand National Human Rights Commission's 2007 human rights impact assessment of a free trade agreement with the United States. In addition we have contacted the Pacific Island Forum Secretariat for specific information about trade agreements and human rights in the Pacific.

Having carefully considered what would be involved in order to undertake a quality assessment and given current priority commitments, the Commission has concluded that it does not have the resources to undertake a scoping study of the TPPA. However it does have an ongoing interest in whether, how and to what extent human rights are taken into account by New Zealand in negotiations for free trade agreements. This reflects the Commission's statutory mandate and responsibility to monitor how well New Zealand respects and fulfils its international human rights obligations.

Therefore the Commission has agreed to maintain a watching brief over both the TPPA and PACER-Plus. The Commission's primary concern is that free trade agreements should support rather than undermine, directly or indirectly, a country's ability to meet its human rights commitments to its people – whether those of New Zealand or those of our trading partners.

Clearly, free trade agreements have the potential to impact both positively and negatively on the fulfilment of human rights. Those impacts will depend, at least in part, on whether human rights considerations have been explicitly factored into the negotiating positions of a country.

I have stressed these points in a recent meeting with the Minister of Trade alongside the desirability of greater transparency and public participation in the negotiation process. The Commission has acknowledged there is a need to balance public access to information with protecting the negotiation processes themselves, and has urged the government itself to develop a human rights analysis of these negotiations.

Your request to the Commission has now put the issue of the human rights impacts of free trade agreements explicitly on the Commission's agenda and we would welcome any further information that you consider should inform the watching brief we have committed to.

My term as Chief Commissioner ends later this month on 31 August. I will be briefing the incoming Chief Commissioner David Rutherford on this and other issues.

Yours sincerely



**Rosslyn Noonan**  
Chief Commissioner  
Te Amokapua