



17th August 2018

Committee Secretariat
Foreign Affairs, Defence and Trade Committee
Parliament Buildings
Wellington 6140
E-mail: fadt@parliament.govt.nz

Re: Submission to the Comprehensive and Progressive Trans Pacific Partnership (CPTPP) Amendment Bill

1. Business and Professional Women New Zealand (BPW NZ) welcomes the opportunity to make a submission to the Foreign Affairs, Defence and Trade Committee into the Comprehensive and Progressive Trans Pacific Partnership (CPTPP) Amendment Bill. The Bill proposes to make changes to New Zealand law to comply with impending obligations and to pave the way for the Government to ratify the CPTPP.

Our interest in this submission is because women's economic justice is a core priority for BPW NZ, and influencing more just and equitable trade policies is an important strategy of this work. We advocate for international instruments that supports a better gender representation and balance when related to trade which can play an important role in creating a rights-based framework where women seek economic and social rights by way of entitlement.

2. Our organisation's aims are to link professional and business women throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

BPW NZ Policy:

Multilateral Agreements on Investment (MAI)

BPW NZ urges the Prime Minister to ensure that the public and Parliament have the opportunity to fully and democratically debate the provisions of any multilateral agreements including those on investment or the environment before any decisions are made. (1998)

Trans Pacific Partnership Agreement

THAT BPW NZ urges the Prime Minister to ensure that the public and Parliament have the opportunity to fully and democratically debate all the provisions of the proposed Trans Pacific Partnership Agreement before any decisions are made and that a Gender Impact



Analysis is performed to meet Convention on the Elimination of All form of Discrimination Against Women (CEDAW) recommendations. (2014)

BPW International Policy

Developing Women's Entrepreneurial and Management Skills (1991 – 01)

Urges Governments to: -

- 1. Increase women's educational opportunities in management sciences;*
- 2. Expose women to labour saving and cost-effective technologies so as to upscale their production;*
- 3. Encourage women to widen the scope of their businesses and venture into medium to large scale industries;*
- 4. Make available to women businesses incentives and information pertaining to sources of raw materials, projects ideas, credit facilities and market outlets;*
- 5. Support women's business development and entrepreneurship.*

Need for Mutual Efforts in Establishing and Developing Business Relationships (1991-2002)

- 1. Encourage group projects as well as one - women businesses;*
- 2. Urge governments to encourage women to acquire effective marketing strategies through regional co-operation.*
- 3. Seek the involvement of regional economic organisations in the development of women economically, socially, and politically;*

International Trade Centre (ITC) which is supported by BPW International

ICT recognises that this region is presently negotiating multilateral, regional, and bilateral trade agreements in an effort to secure market access to their goods and services. ICT assist these countries through its programme on business and trade policy, and public-private sector dialogue.

The ICT programme in the Pacific region is geared towards strengthening national and regional private-sectors organisations, strengthening trade support institutions, greater usage of ITC global goods and services, public – private sector dialogue on trade policies, and facilitating the greater participation of women in the globalized economy. This is being done in a number of ways: facilitating multi – agency collaboration, involvement in the EU/ACP. All Agricultural Commodities programme, engagement in support of Pacific women in business to build a sustainable regional architecture for women entrepreneurs, and the Enhanced Integrated Frameworks (IF) for Pacific LDC's.

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

Article 3: "States Parties shall take in all fields, in particular in the political, social, economic



and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men”.

3. New Zealand is proud of its legacy of empowering women to lead independent and self-determining lives. The principle of equality for all is enshrined in New Zealand’s law. New Zealand has implemented positive legislative and policy reforms to improve women’s lives in the country.
4. The Government has recently reaffirmed its commitment to advancing equality and economic empowerment of women across all aspects of New Zealand’s domestic and foreign policy, including trade and has mainstreamed gender across its international development assistance programme. Supporting the empowerment of women is one of New Zealand’s government priorities for women, including through focussing on utilizing women’s skills and growing the economy.
5. New Zealand is also part of several international agreements that promote women’s rights and gender equality, including the UN CEDAW (1979) and the Sustainable Development Goals (SDGs, 2015).
6. Although trade can be a catalyst for gender equality, the effects of trade liberalization and economic globalization on women so far have been mixed. Despite modifications made since the collapse of the original Trans-Pacific Partnership (TPP) in 2016, BPW NZ is concerned that in its current form the CPTPP poses a significant risk to women’s rights and economic empowerment in New Zealand and in the region and is therefore inconsistent with the New Zealand Government’s stated commitment to gender equality. These concerns and suggested areas for improvement are outlined in this submission.
7. On this basis, BPW NZ recommends that any decision set forth by the CPTPP Amendment Bill to make changes to the domestic legislation be delayed allowing for:
 - The New Zealand Government should resource an independent full gender impact assessment of the Agreement, both in NZ and in other signatory countries, including consultations with women’s organisations at national and local levels.
 - Measures and strategies directed to ensure women’s increased representation in all trade negotiations and related decision-making at local and national levels.
 - The New Zealand Government should facilitate access to information and improving transparency during trade negotiations, including but not limited to commissioning of independent analysis of potential economic, health, human rights’ dimension and environmental impacts of the agreement.
 - The Government should strengthen the relationship between trade and human rights consistent with the original common vision of the United Nations Charter.



8. There is growing recognition in the international community that the trade liberalisation agenda being pursued through multilateral trade agreements such as the CPTPP is having negative impacts on women's rights and gender equality. The inequality gap between women and men is especially profound in the economic sphere and, considering recent trends, this is where the gap would take the longest to close.
9. According to the Global Gender Gap Index of the World Economic Forum, at the current rate, women's economic participation and opportunities gap would close only in 219 years. Gender inequality, not only carries serious costs in terms of social justice and human dignity, but also reduces economic growth and competitiveness.
10. Gender equality is one of the sustainable development goals (SDG's) of the UN 2030 Agenda to which governments, businesses, civil society and other actors of the international community have committed. SDG 5 specifically addresses gender equality. The Addis Ababa Action Agenda of 2015, which is an integral part of the 2030 Agenda, establishes a specific link between trade and gender equality. Paragraph 90 recognizes "The crucial role of women, as producers and traders" and the need to "*address their specific challenges to facilitate women's equal and active participation in domestic, regional and international trade*" (United Nations, 2015).
11. The distinct roles of women and men in economic activity also condition the different impacts of international trade. Trade impacts women through different transmission channels:
 - (i) work (employment, wages and wage-gap, work conditions);
 - (ii) entrepreneurship (access to financing, information asymmetries);
 - (iii) consumption;
 - (iv) allocation of fiscal resources for the provision of social services; and
 - (v) roles within the household and as caretakers.
12. We don't see in this agreement tangible improvements for women. The gender dimension of inclusion, as part of broader trade liberalization efforts does not feature.
13. Our analysis of the changes to the CPTPP text indicates the need for such a gender assessment remains as critical as ever. And the scope of this assessment must include consideration of the potential impact of the agreement on health issues, environment, workers and human rights. The National Interest Analysis (NIA) produced by the Ministry of Foreign Affairs and Trade includes only a superficial assessment of gender, human rights, environment issues, when a risk assessment of much great scope and depth is required.
14. Given the widely lack of consideration for gender equality, human rights and strong environmental safeguards it is alarming that this has been given virtually no consideration in the New Zealand CPTPP, we remain unconvinced of the Government's rationale for agreeing to ratify the agreement. We believe that strengthening the relationship between



trade and human rights consistent with the original common vision of the UN charter will contribute to achieving the empowerment of women and girls by 2030.

15. Future actions on gender and trade can be implemented in different areas: generation of data disaggregated by sex; development of gender-specific trade policies at the national, bilateral and multilateral levels; and promotion of women's export entrepreneurship, where trade promotion agencies play a key role. We invite the New Zealand government to give consideration, one needs to be done to not only acknowledge the gender specific impacts of free trade but also to put measure in place to adequately address them.
16. Mainstreaming gender consideration in trade and incorporating in-depth gender impact assessment into existing and future free trade agreements are two such measures that the New Zealand Government could implement immediately to tackle these issues. The United Nations 2011 resource paper on Gender Equality and Trade Policy, for example, points out that *"incorporating (mainstreaming) gender considerations in trade policy means assessing the impacts of such policy on the wellbeing of men and women, evaluating how trade policies affect gender relations"*.
17. BPW strongly recommends New Zealand adopts this practice in relation to current and future trade agreements. New Zealand's signing of the CPTPP on March 8, 2018, along with the ten other signatories is regarded as a significant setback for the New Zealand Government's commitment to empowering women throughout the Asia-Pacific region and the achievement of gender equality and women's rights more broadly. The signing, which coincided with International Women's Day, was met with opposition from many women's rights organisations around the world and other signatory nations.
18. The CPTPP in its current form threatens women's rights in a multitude of ways. The inclusion of tariff elimination measures, the promotion of cross-border trade in services and temporary mobility schemes, tighter intellectual property restrictions, the National Treatment principle and the Investor-State Settlement Dispute mechanism all contribute to making this partnership a bad deal for women across the region.
19. The provision of public services is undermined by the Services chapter of the CPTPP. Gender responsive public services are widely acknowledged as a critical step towards achieving women's empowerment and gender equality. Inadequate or non-existent public services not only increase women's vulnerability to violence and exploitation, but also increase their unpaid care work due to gender roles that posit care for children, the sick, those with a disability, and the elderly in women's hands.
20. BPW NZ is therefore deeply concerned that the pressure to privatise public services occasioned by free trade agreements like the CPTPP will disproportionately impact women by endangering one of the most important sources of formal employment for women globally. Given the importance of women securing sustainable livelihoods to address gender inequality, the likely impacts of the CPTPP on the services sector presents an unacceptable threat to women's empowerment in all signatory countries, including New Zealand. Research shows has found that women currently spend between two and ten



times more time on care work than men. This in turn impacts on women's ability to participate in paid work and public life, and the contribution that women make to the formal economy.

21. The Services Chapter is designed to encourage privatisation and deregulation. The CPTPP, by increasing access to new markets for multinational corporations, may result in women having less opportunities to access to these goods and services and/or their being required to pay for them.
22. BPW NZ is also concerned that the two-fold impacts of reducing public revenue and encouraging imports at the expense of small to medium scale local industries and agriculture will impede women's empowerment in signatory countries.
23. The Investor-State Dispute Settlement will likely impair the ability and willingness of governments to act to regulate in the interests of their citizens. The inclusion of this mechanism in the CPTPP, which gives corporations the right to sue governments should any laws or regulations interfere with the profit-making capacity of the corporation, fundamentally shifts power to corporations at the expense of the greater wellbeing of the population and particularly women's rights and gender empowerment.
24. The implications of the CPTPP's inclusion of a National Treatment provision are also problematic due to their likely impacts on women's access to decent work and land. The inclusion will reinforce Article III of the World Trade Organisation's 1994 General Agreement on Tariffs and Trade, obliging governments to treat foreign investors equally to how they would local investors.
25. We welcome the Trade for All initiative¹ that has just been launched by MFAT as a "*chance to take a fresh look at trade policy. We want to step back from looking at any individual trade agreement and instead consider trade policy in general, what we are currently doing, and what's best for New Zealand*".
26. We also welcome that "Cabinet has agreed to some key principles on Trade for All to get the conversation started around the future direction of trade policy for New Zealand. In line with these key principles (see below for the full list of key principles approved by Cabinet), part of what we are asking New Zealanders to consider is how trade can support:
 - (i) sustainable economic development that takes into account the impact on the environment we work and live in; and
 - (ii) inclusive economic development that supports all New Zealanders in all regions of New Zealand to succeed on the global stage, including women, Māori and people in small and medium sized enterprises. Support for trade policy to contribute to maximising the opportunities and minimising the risks associated with global issues, including:

¹ <https://www.mfat.govt.nz/en/trade/nz-trade-policy/trade-for-all-agenda/>



- Environmental issues including climate change
- Protecting New Zealanders' health and wellbeing
- Labour rights
- **Gender equity**
- The rights of indigenous peoples
- SME participation in international markets
- Inclusive regional economic growth, poverty reduction and sustainable job creation
- Protecting traditional knowledge
- Preserving the right of governments to regulate in the public interest, including for national land markets, taxation of multinational businesses and public services.

27. Thus, initiating consultations to explore support for the Key Principles approved by Cabinet through *“the creation of a genuine conversation with the public and key stakeholders around the future direction of New Zealand’s trade policy; this will include consultation with Māori, consistent with their role as a Treaty partner.”*

28. BPW calls on New Zealand government to halt the Bill, and to focus its resources on include gender consideration. And for the New Zealand Government now has an opportunity to conduct a comprehensive assessment of the impacts on women’s rights and gender equality of the CPTPP.

29. Given the New Zealand Government’s commitment to achieving gender equality and women’s empowerment in New Zealand and across the region, it is deeply troubling that an agreement which threatens progress in these areas is being considered, and particularly without any gender assessment of its impacts. In its current form, the CPTPP will reduce women’s access to public services and vital goods such as medicine; it will expose small-scale, women-led livelihood initiatives, particularly in the important areas of services, to potentially catastrophic competition from large, foreign corporations; it will discourage governments from developing policy which could address gender inequality; and it will expose migrant women workers to even worse labour conditions.

BPW International Status:

BPW International has General Consultative Status at the United Nations through the UN Economic & Social Council (ECOSOC). This enables BPW International to appoint official representatives to UN agencies worldwide and to accredit members to attend specific UN meetings.



Thank you for the opportunity to speak to our submission and we hope that our comments are of use to you.

On behalf of
New Zealand Federation of Business and Professional Women Inc.

A handwritten signature in blue ink that reads 'Hellen Swales'.

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