



Written by [Joe Wolverton, II, J.D.](#) on July 1, 2015

## Australian Lawmakers Criticize “Excessive Secrecy” of TPP Negotiations

Although American politicians have cleared a “fast track” for Obama to impose the Trans-Pacific Partnership (TPP) on the citizens of the United States, in Australia some members of Parliament smell a big, secret rat.

A joint report authored by three of Australia’s major political parties criticizes the country’s treaty making process, describing it as being threatened by “excessive secrecy” when it comes to the details of the TPP agreement.



The document, called “Blind Agreement,” insists that the insidious nature of the process is unacceptable. “It is no longer satisfactory for parliamentarians and other stakeholders to be kept in the dark during negotiations when Australia’s trading partners, including their industry stakeholders, have access under long-established and sensible arrangements,” wrote Labour Party Senator Alex Gallacher.

Paragraph 6.11 of the report pointed particularly at the secrecy shrouding the negotiations on what is being touted around the world as a free trade treaty:

An additional concern for the committee is that community confidence in the negotiation of FTAs is probably at its lowest ebb in Australia, fuelled in part by excessive secrecy around TPP negotiations, the content of leaked draft chapters and the politicisation of debate. Accusations of scaremongering against those asking reasonable questions and voicing their concerns are not helpful either.

Writing on his own website, a member of the committee that drafted the report made mention of intellectual property rights and their future under the TPP. Scott Ludlam, a legislator from the Green Party, said that the chapter on intellectual property publicized by WikiLeaks reveals a plan to “attack internet freedoms and criminalize downloading.”

“We know from other leaks the TPP covers everything from giving America the right to put Australian Internet users under surveillance, to giving multinational companies the rights to sue governments for the laws they make,” Ludlam added.

On November 13, 2013, WikiLeaks released to the Internet what purported to be a portion of the secretly negotiated draft version of the Trans-Pacific Partnership agreement.

In a press release announcing its publication of this key section of the TPP agreement, WikiLeaks described the Intellectual Property provisions as “the most controversial chapter of the TPP.” This chapter deserves that designation because of its substantial effect on so many aspects of American trade and industry, including, as WikiLeaks points out, what would be irreparable harm to “medicines, publishers, internet services, civil liberties and biological patents.”

Other copyright and Internet freedom activists are responding in similar manner to the content of the



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WikiLeaks TPP revelation. A good number of commentators are pointing to the SOPA-like provisions contained in the IPR chapter now available to the public.

SOPA is an acronym for the controversial Stop Online Piracy Act, legislation that has failed repeatedly to pass in Congress.

In an article reporting on the leak of the IPR chapter, Internet freedom and fair copyright advocate TorrentFreak points out the SOPA similarities in the TPP intellectual property chapter:

Burcu Kilic, an intellectual property lawyer with Public Citizen, says that some of the proposals in the text evoke memories of the controversial SOPA legislation in the United States.

“The WikiLeaks text also features Hollywood and recording industry inspired proposals — think about the SOPA debacle — to limit Internet freedom and access to educational materials, to force Internet providers to act as copyright enforcers and to cut off people’s Internet access,” Kilic says.

This section of the draft agreement launches another attack on U.S. sovereignty through the mandate that member nations enact regulations requiring Internet Service Providers (ISPs) to privately enforce copyright protection laws.

These private companies — many of which are very small — would be forced to take upon themselves the responsibility of patrolling for and punishing any violation of the copyright laws by their subscribers.

Current U.S. law — specifically the Digital Millennium Copyright Act (DMCA) — would be supplanted by TPP Article 16.3. This provision in the TPP draft document paves the way for a new copyright enforcement scheme that extends far beyond the limits currently imposed by DMCA. In fact, it contains mandates more expansive than even those contained in ACTA.

Regardless of the flaws of the DMCA, it is U.S. law and should not be subject to de facto repeal by the work of a body of internationalists who are not accountable to citizens of the United States.

Apart from the issues of sovereignty, putting such pressure on service providers is a threat not only to the owners of these small businesses, but also to Internet freedom as well.

In a post-TPP world, ISPs would be forced to raise prices dramatically in order to cover the increase in their own overhead brought on by the requirement that they monitor and manage the websites they host.

Alternatively, there would undoubtedly be a large number of ISPs who would not only want to avoid the administrative burden of being forced into the role of Internet cop, but who would also rightly regard the risks of providing Internet access as outweighing the benefits.

As any news organization that maintains a Web presence knows, in the posting of news items, time is of the essence. If the regulations of the TPP become the law, then ISPs would be forced to remove immediately any subscriber content posted online that is challenged by someone claiming a copyright infringement. This broad expansion of copyright protection could be devastating to a news organization (or blogger, for that matter) depending for their economic survival on the timeliness of their online stories and on the availability of those stories to the millions of Internet users.

Such procedures bypass the U.S. court system and the Constitution by abolishing the due process owed to those accused of crimes. Rather than require a person to present evidence of an alleged violation of a copyright to an impartial judge, the TPP would allow someone to demand that the outlet’s ISP



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immediately remove the content in question.

Any legal proceedings on the merits of the charges would occur after the damage has been done.

Currently, there are 12 countries included in the TPP trading partnership, but as *The New American* recently reported, [bringing China into the bloc](#) seems to be a side project of President Obama's promised "pivot toward Asia."

Each of the "partners" to the pact, including foreign corporations, would be exempted from abiding by American laws governing trade disputes. Moreover, the sovereignty of the United States and the Constitution's enumeration of powers would once again be sacrificed on the altar of global government by subordinating U.S. laws passed by duly elected representatives of the people to a code of regulations created by a team of transnational bureaucrats.

Americans who study the subject realize that the redrawing of national boundaries and domestic legal processes being carried out in secret by the globalists sitting around the TPP negotiating table is an attack on American laws, American courts, American freedom of expression, American sovereignty, and the American Constitution.

As for the next step in the secret process, Reuters reports that a source revealed to them that a "ministerial meeting aimed at finalizing the 12-nation Trans-Pacific Partnership, or TPP, trade deal is set for the last week of July."



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