

Welcome to a new edition of the [bilaterals.org](https://bilaterals.org) podcast where we discuss the most recent developments around free trade and investment agreements.

[bilaterals.org](https://bilaterals.org) has leaked three protocols of the African Continental Free Trade Area (known as the AfCFTA). The protocols cover investment, intellectual property and competition policy.

They indicate that additional annexes on related issues, such as investor-state disputes, patents and plant variety protection, will be finalised and added to the protocols at a later stage.

The AfCFTA negotiating process has been different from other free trade agreements. Normally, parties negotiate a comprehensive text and adopt it as such at the end of the negotiations. But with the AfCFTA, the parties agreed on a general text and then negotiated additional texts and annexes that will be fully part of the agreement. This has made the process more opaque and difficult for civil society groups to monitor.

As for the investor-state dispute settlement mechanism, it was included in the full text of the investment protocol in an earlier draft that was also leaked on [bilaterals.org](https://bilaterals.org). But it disappeared from the final draft. It is now specified that it will be set out in an annex once the protocol is adopted.

There are 150 documented investor-state disputes against African countries. Penalties and legal fees against these countries amount to about 5 billion US dollars. This is taxpayers' money that could be used to build hospitals, pay teachers' salaries and so on in already heavily indebted countries.

Last month, a mission of 12 members of organisations from 8 Latin American, regional and international countries travelled to Colombia to share experiences in challenging transnational corporations' claims before international arbitration tribunals under free trade and investment agreements.

The process was based on a declaration signed by more than 280 organisations from 30 countries, calling on the Colombian state to carry out a comprehensive review of the agreements that provide for the investor-state dispute settlement mechanism. The ultimate aim is for Colombia to withdraw from such agreements in order to regain its sovereignty and protect its ecosystems and territories threatened by the activities of transnational corporations.

Mining companies such as Glencore, Eco Oro, and Red Eagle have taken Colombia to arbitration over environmental and human rights legislation.

As of 2023, the Colombian state is the target of 21 such cases, with known compensation claims totalling around 3 billion US dollars.

A study by SOMO, Both ENDS and the Transnational Institute has been published to mark the 60th anniversary of the first Dutch Bilateral Investment Treaty, signed on 23 May 1963.

**The analysis shows that the 75 Bilateral Investment Treaties (or BITs) that the Netherlands has now signed with countries all over the world have mainly provided transnational corporations with a powerful instrument that has had far-reaching consequences for people and the environment worldwide.**

**It also underlines that the Netherlands is an important conduit country for global investment. More than 40 per cent of outgoing Dutch investments in BIT partner countries are structured through shell companies. This has made Dutch BITs notorious for their investment-friendly conditions and for allowing treaty-shopping.**

**71 per cent of investor-state dispute cases initiated under Dutch BITs have been filed through shell companies.**

**The report concludes that the Netherlands should seek to terminate existing treaties in the short term.**

**In an interview with [bilaterals.org](http://bilaterals.org), the General Secretary of the Indonesian Fishers' Union said that the fishing industry is threatened by free trade agreements.**

**As an archipelagic country, the fisheries sector is vital to Indonesia's economy. More than 90% of Indonesian fishers are small-scale fishers working in coastal areas.**

**But trade agreements have imposed a range of restrictions. These range from the reduction or elimination of fisheries subsidies to a quota-based fishing strategy.**

**Subsidies are important to small and traditional fishers as a form of protection against transnational corporations and large-scale fishers. But free trade deals mean that small-scale fishers have to compete with them.**

**He concluded that they have built an alternative model based on social and trade justice. They have set up a fisherwomen's cooperative to support marginalised groups such as small-scale and traditional fishers, and especially women.**

**Finally, the 14 nations involved in the Indo-Pacific Economic Framework (known as IPEF), including the United States and India, have reached an agreement aimed at enhancing supply chain resilience and diversification, when they met last month in the US.**

**While the details have not been disclosed, a statement issued by the IPEF members specified that the deal aimed to enhance various aspects of their supply chains, including resilience, sustainability, transparency, diversification, security, and inclusivity.**

**Even though China is not named, the move has been seen as an attempt to decrease dependency on the Asian powerhouse.**

**The level of secrecy around the agreement has been criticised by civil society groups who said it does nothing to build trust about the agreement. They pointed out to the non-disclosure agreement that all countries were made to sign, binding them to not releasing any negotiating document until five years after the agreement enters into force.**

**The IPEF has 3 other pillars that are being negotiated: trade, clean economy and fair economy.**

**And that's it for today. I'm Nicolas Roux, [bilaterals.org](https://bilaterals.org). If you'd like more information about today's podcast, you can click on the links provided in the description box. More trade news coming up soon in our next podcast. In the meantime, you can visit [bilaterals.org](https://bilaterals.org).**