

Media brief: Release the #TrumpTradeFiles

- Trade talks between the US and the UK have been taking place regularly since 2017, laying the groundwork for a trade deal
- A trade deal with the Trump administration poses risks for a huge range of issues from medicine prices for the NHS, to climate action, to food standards. Yet the government has refused to release any information as to what has been on the table in the talks
- Documents the government has been forced to release under Freedom of Information rules have been so heavily redacted as to be meaningless
- Campaign groups are challenging this secrecy in court at an Information Rights Tribunal

Context

Trade deals today go far beyond tariffs charged on goods crossing borders. They can rewrite the rules on everything from food standards, to workers' rights to climate action and they can lock in privatisation.

The Trump administration has already publicly set out what it wants from a trade deal.ⁱ It includes lowering food and animal welfare standards, allowing big pharmaceutical companies to dictate the price of medicines for the NHS and preventing any attempt to rein in the power of Silicon Valley big tech platforms such as Facebook, Amazon and Google.

Trade talks

A US-UK Trade and Investment Working Group was set up in 2017 and is known to have so far met six times:

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|----|---------------------|---------------|
| 1) | 24-25 July 2017 | Washington DC |
| 2) | 13-14 November 2017 | London |
| 3) | 21-22 March 2018 | Washington DC |
| 4) | 10-11 July 2018 | London |
| 5) | 2-7 November 2018 | Washington DC |
| 6) | 10-11 July 2019 | London |

The remit of the group includes "laying the groundwork"ⁱⁱ for a future trade deal.ⁱⁱⁱ While the UK is not allowed to formally say that it is negotiating before it has left the EU, there

is nothing to stop these talks covering much of the same ground. The working group has been discussing potential text for a trade deal from the early stages and has covered all the topics expected to be covered in a deal.

The preparations being made in the working group will mean that when formal negotiations begin, they are not starting from scratch – much will already have been done. Trump and Johnson have said they want to do a ‘very big trade deal’ potentially by June or July next year.^{iv} Two and a half years of preparatory talks make this timescale more feasible.

Secrecy

Despite the high risk nature of the US trade deal, and its potentially far reaching effects, the UK government has repeatedly refused to release any information about the working group or be democratically accountable for its work.

Leaked information to Channel 4 Dispatches means we know that the highly sensitive topic of medicine pricing for the NHS has been discussed in all of the meetings. Leaked information to the Daily Telegraph suggests that the terms of a US trade deal would prohibit the government’s current policy of introducing a digital services tax. What else has been on the table?

Trade talks are public policy discussions, and should be conducted in as open and transparent a manner as possible. Yet one of the first things the government insisted on agreeing with the US was that all working group documents would be secret by default.^v We have since learnt, from Channel 4’s Dispatches, that civil servants have been instructed to use code words when discussing certain aspects of the negotiations, to further disguise the reality even from others within government.

The government has repeatedly refused to give MPs basic information about the working group.^{vi} More broadly, the government has refused to introduce legislative procedures for democratic scrutiny and oversight of an independent trade policy. When parliament amended the Trade Bill to include such processes, the government dropped the bill. As things stand, the British parliament has far less oversight or control of trade talks than the European parliament or US Congress. Given the scope of trade deals today, this is a clear and very risky democratic deficit.

In the meantime, the working group trade talks are going ahead. Even if parliament is able in future to secure a meaningful scrutiny role, it is likely to be faced largely with a fait accompli because so much preparation has taken place.

Freedom of Information challenge

Campaign group Global Justice Now has been using freedom of information laws to request the release of basic information about the working group – attendees, agendas, schedules, minutes.

The Department for International Trade initially refused outright. When the Information Commissioner required the release, the documents released have been so heavily redacted as to be meaningless – pages upon pages of blacked out text.

Global Justice Now is challenging this in court at an Information Rights Tribunal in December.

A trade deal with the US could rewrite so many of the rules of our economy and society. It could affect all of our lives and we all deserve to know what is on the table in the trade talks.

Contact

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- i Office of the United States Trade Representative, *United States-United Kingdom negotiations: summary of specific negotiating objectives*, February 2019, https://ustr.gov/sites/default/files/Summary_of_U.S.-UK_Negotiating_Objectives.pdf
 - ii Liam Fox, *Trade Agreements: USA: Written question - 906901* <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-09-13/906901/>
 - iii The working group is also looking at continuity arrangements to continue existing arrangements that the UK has with the US as part of the EU, and trade promotion measures.
 - iv "G7 summit: Trump expects to strike 'very big trade deal' with UK after it is freed from 'anchor' of EU", *Independent*, 25 Aug 2019, <https://www.independent.co.uk/news/uk/politics/g7-trump-uk-us-trade-deal-boris-johnson-working-group-a9078101.html>
 - v Department for International Trade, *Arrangement for exchanging information during the UK-US Trade and Investment Working Group*, 14 Dec 2017, <https://www.gov.uk/government/publications/arrangement-for-exchanging-information-during-the-uk-us-trade-and-investment-working-group>
 - vi For instance see: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-02-27/65670/> , <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-05-09/142362/> , <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2018-05-21/146050/>