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Reconstituting the Constitution

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In bilateral negotiations, the choice is one of entering into an agreement (accepting the domestic-international trade off) or refusing to sign. It is reasonable to assume that state officials only make bilateral agreements when they are happy with the bargain they have struck. That need not mean that all aspects of the agreement are ideal but it should mean that the potential difficulties presented by reluctantly accepted provisions should be offset by the benefits that the agreement creates. In multilateral agreements, more compromises may need to be struck to satisfy a wider range of participants. It is less likely that a relatively small state with a small domestic market will be able to shape agreements very substantially. Think, for example, of New Zealand's limited potential to shape the WTO agreement (except in cooperation with like-minded states). New Zealand may find itself faced with the choice of taking the agreement it can get or walking away. Lloyd Gruber has highlighted the possibility that walking away may even leave countries worse off than before the negotiations begin if other parties decide to "go it alone". Countries choosing to stay out may find trade diverted away from them as the new agreement takes hold.[32] It is possible, then, that globalisation has produced competitive pressure for deregulation. However, the evidence I alluded to in the previous section about considerable ongoing variation in countries' responses to globalisation suggests that governments should avoid a knee-jerk fear of being left out and think carefully about the strategic costs and benefits of liberalising agreements for their particular economies.

If choices need to be made, we need to ask who exactly gets to choose whether a particular treaty is appropriate for the country as a whole, which is where the main constitutional issues come into play. As the debate on globalisation progressed, a range of authors began to emphasise the extent to which international economic law-making tended to promote executive dominance.[33]

At the most dramatic end of the spectrum, executives have deliberately sought to use international regimes to achieve results that were likely to be impossible through the domestic political system. Prior to the 1990s, the IMF willingly allowed itself to be used as a scapegoat for unpopular adjustment policies. "The IMF made us do it" cut short political debate, arguably enabling governments to do what had to be done.[34] Recently the IMF has been more reluctant to engage in this kind of activity, emphasising country ownership, but elements of the strategy remain.[35] In the context of trade, there is also good evidence that the Salinas administration in Mexico deliberately used NAFTA to "lock-in" neoliberal reforms at the international level so that they would be harder to unravel by subsequent administrations.[36]

[32] Gruber (2000).

[33] Torres Perez (2006).

[34] Now ad (1982).

[35] For example, there is well documented evidence that the Korean Executive used the 1998 IMF programme to push through aspects of *chaebol* reform that they had been seeking for some time. Matthews (1998); Blustein (2001).

[36] Gruber (2000).

Binding in policy through international treaties can create investor confidence, potentially boosting foreign direct investment and portfolio flows (this is a key argument, for example, for the IMF's role in debt negotiations[37] and an ambition for some regional trade agreements, such as NAFTA[38]). Some have even argued that creating an economic "constitution" in this way locks in good (that is, market-friendly) domestic policy – Thomas Friedman has referred to this as the "golden straightjacket" of globalisation.[39] On the other hand, it works against the normal constitutional process and makes democratic changes of policy particularly difficult, since any attempt to do so breaches obligations to other states.

This kind of activity is relatively rare and I am not aware of any recent New Zealand examples that are so clear cut. However, in more modest form, the process of international negotiation continues to offer the executive potential power to achieve policy with less scrutiny than would otherwise take place. The secrecy of international negotiations creates space for the executive to argue to domestic constituencies that particular provisions of an agreement were fought over more vigorously than was in fact the case. Equally, the executive may simply negotiate in good faith on a basis that the population at large may disagree with.

For executive dominance to be a concern, we need to have reasons for thinking that executive preferences may diverge from those of the state as a whole. There is a well-known literature emphasising the role of a narrow group within the executive in promoting neo-liberal policy during the Fourth Labour government in New Zealand. My argument here is slightly different. Individuals may well have played a key role in initiating the neoliberal turn in New Zealand and limited checks and balances in the New Zealand constitution may have facilitated particularly rapid and radical change. However, without going too deeply into a vast literature, neoliberal policy also emerged world-wide at a similar time and has since been institutionalised through a range of mechanisms in a wide range of contexts (academia, business, government institutions, international organisations). In this chapter I emphasise a form of institutionalisation that has been particularly important in international economic policy-making and that helps to explain how members of the executive face powerful social incentives to adopt a particularly internationalist and technical approach to trade policy.

Academics concerned about executive dominance have pointed to two important mechanisms through which executive personnel involved in international negotiations come to frame international economic issues in particular ways that promote liberal policy. The first is a form of socialisation as civil servants are increasingly involved in international networks of "experts" in particular policy areas. The second mechanism explores the ways in which this expert consensus can be maintained even in a context of greater consultation with civil society. Growing

[37] Pauly (1997).
[38] Cameron and Tomlin (2002).
[39] Friedman (2000).

public concern about executive dominance in treaty making has resulted in increased civil society scrutiny of international negotiations. During the 1990s, international negotiators began to actively facilitate greater consultation and public debate over proposed treaties.[40] However, even relatively public consultations may, in practice, take place in a narrow context that can reinforce technocratic perspectives on legislation for reasons to do with informal power structures in "global civil society".

Beginning with purely executive relationships, a key feature of global governance is its functional fragmentation into different issue areas. Trade politics specialists from the executive, for example, meet to discuss trade policy in isolation from environmental policy, labour policy, research policy, regional development policy or welfare provision. This can lead to senior civil servants (and even ministers) deliberating narrow issues with one another in ways that reinforce some ways of framing the relevant issues at the expense of others, distorting discussion. Andrew Baker's work has emphasised the kind of peer reinforcement that conservative views of macroeconomics have received through the G8 process.[41] G8 finance ministers and central bankers offered one another peer support in their battles against pressures from other parts of government that were less conservative about inflation and had a stronger interest in public spending. Baker points to very robust findings from the social psychology literature showing that on-going group interaction tends to deepen and solidify core beliefs held by group members to the point where alternatives are extremely hard to entertain or even filtered out completely.[42] Without challenge from outsiders with different perspectives, this kind of "enclave deliberation"[43] produces convergence and reinforcement of group views over time, reducing the scope of genuine debate and increasing individuals' self-confidence about their own expertise.

Growing public pressure in the late 1990s raised issues about negotiations between "states" that left out "civil society" (which is the way executive dominance has often been framed in the international relations literature). This pressure produced significant advances in the publicity of international trade and even financial negotiations.[44] Even the G7, which was historically one of the most closed fora for deliberation, expanded to become the G20 and began greater processes of consultation on issues such as the standards and codes that made up the new

[40] O'Brien et al. (2000); Germain (2004b).

[41] Baker (2006).

[42] The desire for personal esteem makes the position of dissenter a difficult one socially. Claims to expertise are often boosted by being in the majority in a particular social setting and experience of the kinds of arguments that are likely to sway debate in practice can result in an increasingly small 'argument pool' over time. Baker (2007).

[43] Sunstein (2002).

[44] For one of the best reviews of the practical impact of NGO engagement with international institutions, see O'Brien et al. (2000).

international financial architecture, promulgated in the late 1990s.[45] "Public consultation" has meant a range of different things, though, not just engagement with citizen groups in civil society. It has also involved consultation with business groups that have a special interest in the relevant legislation and with a variety of international expert groups that have technical expertise in particular areas.

In terms of the politics of international negotiation, what is crucial is the balance between these different types of groups. In the international sphere, where the shadow of electoral outcomes is very faint, "stakeholders" in a negotiation may be defined quite narrowly. Policy-makers may find it easier to debate with people that have similar kinds of expertise and a similar outlook, reinforcing aspects of the "enclave deliberation" process discussed above. Equally, business groups have more concentrated interests and greater resources for providing input into the policy process than other segments of civil society that rely on volunteers and donations.[46] Perhaps the clearest empirical example is the negotiation of the Basel II Accord on banking regulation (which sets out the minimum "safe" capital banks need to hold relative to the riskiness of their assets). Basel II allowed banks to use their own risk models to assess capital requirements, something most economists now think contributed to the recent financial crisis. The first Accord, concluded in 1988, was at least partly driven by regulators who were struggling to resist a regulatory race to the bottom driven by banking sector lobbying for competitive deregulation at the domestic level. British and American regulators collaborated to push through a baseline set of rules, securing cooperation from their financial sectors by making sure that the baseline would help to undermine competition from Japanese banks. Basel II was a much more bank-driven process in which major investment banks argued the first Accord was insufficiently sensitive to differential risk factors, providing a technical justification for using banks' internal risk models. There was open internet-based consultation over Basel II but the overwhelming response came from regulators and the financial sector, rather than the citizens who implicitly under-write the risk contained in the banking sector or even developing country financial interests that were systematically disadvantaged by the new Accord.[47]

A wider range of civil society groups have been active in trade policy. However, the problem of determining whose interests and views should take priority in

[45] Germain (2004a).

[46] Economists have identified political economy problems that, in the past, tended to lead to greater protectionism than was optimal. Orthodox trade theory suggests that protectionism is always more costly to consumers than it is beneficial to import-competing producers. However, producer losses are highly concentrated, while consumer losses are diffuse, making it more likely that producers will organise politically. One of the aims of the WTO process was to provide a forum for exporting interests to mobilise in support of liberalisation to provide a political counterweight to that domestic political situation. Arguably current arrangements may have gone too far in the other direction, with concentrated internationalist business interests outweighing the diffuse potential losers from the restrictions on domestic social, environmental and industrial-policy oriented policy that emerge from international agreements.

[47] Underhill and Zhang (2008).

negotiations remains acute. In the domestic legislature these conflicts at least take place in the shadow of the electorate at large and its (admittedly problematic) representation in the media. In the international sphere, though, trade-oriented negotiators may not be inclined to treat environmental, labour or industrial policy concerns with appropriate seriousness. There is an obvious temptation to prefer to listen to networks of trade experts, whose expertise is genuine but whose intellectual framework is concerned with *trade policy* in ways that may not pay enough attention to the impact of trade on the broader policy environment, leaving the consequences to be dealt with "elsewhere" in the political system (rather than as an integral part of the assessment of proposed agreements).

In bilateral negotiations, the domestic public is potentially somewhat closer to the process. On the other hand, the resource constraints facing civil society groups may be more acute without the opportunity to pool international expertise and organisational abilities in order to scrutinise potential treaties.

My argument, then, is a sociological one. The social relationships established in global governance help to re-enforce a kind of "group think" amongst trade diplomats in which signing more agreements is better than not signing agreements. Signing agreements is made easier through a collective internationalist outlook and this kind of outlook does have respectable intellectual support. International trade diplomats, facing similar incentives, tend to re-enforce one another's intellectual convictions. This group then finds it easier and more comfortable to listen to like-minded groups in civil society so that a collective perspective on liberal trade policy is formed in a self-re-enforcing way, without the need for any deliberate Machiavellian intent.

Overall, then, a significant part of the anxiety around the globalisation of international economic law-making can helpfully be understood in terms of executive dominance. Executive dominance of this kind is a potential problem for three reasons: international law is harder to reverse because doing so has consequences for international relations as well as domestic interests; and it is particularly difficult to keep track of executive views and motivations in international negotiations because negotiations lack transparency and take place at some geographical and cognitive distance from domestic publics. Finally, in addition to these constraints on oversight, the functionally fragmented nature of international policy-making combined with weak electoral incentives may encourage members of the executive to engage in "enclave deliberation" that undermines their awareness of the more holistic considerations that might ideally be characteristic of legislative deliberation.

The account offered in this section compares the executive with what has so far been a largely implicit idealised vision of the legislature. The vision I have in mind is one in which the legislature serves two important functions.[48] Firstly, it is the place in which the domestic public sphere is most able to influence the political

[48] This vision is largely distilled from Habermas (1996).

process through media commentary, lobbying, professional contacts and public submissions to select committees and the like. Electoral incentives help to balance out the importance of these different voices via the mechanism of elected politicians who have incentives to listen and to evaluate the extent to which different points of view reflect the interests of different sections of the electorate. Secondly, the legislature is the place in which the various fragmented technical discourses and ways of thinking about particular policy issues should be integrated into a more holistic perspective, again because elected politicians have incentives to adopt this kind of holistic perspective and because they have not been socialized into particular expert framings of debates to the same extent as the relevant civil servants.

18.4 Limiting Executive Power in New Zealand? The 1997 Reforms and Beyond

In the previous two sections I have established the on-going significance of international economic treaty-making and outlined some of the dangers that may follow if treaty making is dominated by the executive branch. I have argued that the key danger is that the executive becomes socialised into a particular policy community surrounding economic issues (including officials from the executives of other states, technical "experts", and non-state actors with concentrated interests in relevant issue areas). As a result, treaties may reflect an overly executive-dominated perspective on the national interest. It is simply easier for trade policy-makers to push for ever-greater levels of liberalisation. That position corresponds with a respectable economic view point, echoes the view of many of their negotiation partners and enables them to deliver a constant stream of "results" in the form of new agreements.

However, as I indicated in the first section, the "respectable" pro-liberalisation economic position is not as intellectually secure as it used to be and appears to have locked New Zealand into an unsustainable growth path, dominated by primary commodity production. My argument there was that the issues at stake in international economic treaties are sufficiently complex and serious to warrant sustained public debate, rather than a knee-jerk impulse towards liberalisation. The political difficulty of removing liberal commitments once they have been made only adds to the importance of prudence in entering into new international obligations.

Constitutional arrangements, then, should ideally encourage robust scrutiny of treaties that takes into account their potential future impact and offsets executive dominance by providing a space for a holistic perspective on treaty impact that is accountable to the broad public interest.

I now turn to an exploration of the reasoning behind the 1997 reforms and a brief review of what is known about how they have operated in practice, with a view to determining the extent to which they meet my somewhat idealised criteria for

legislative scrutiny. Moving away from theory to practice will also involve moderating the rather sharp distinctions I have so far drawn between an idealised executive and legislative function and engaging with a more realistic vision of how democracy actually functions. Overall, I will conclude that the current system still tends towards what I regard as an insufficiently accountable form of treaty-making, given the nature of the agreements that are being negotiated. Nonetheless, I will also suggest that the broader nature of public debate on economic matters in New Zealand is at least as much to blame as current institutional agreements. Without a public sphere that "lays siege" to the Foreign Affairs Trade and Defence select committee, the legislature is unlikely to have the incentive to seriously challenge executive habits in treaty-making.

The traditional view of treaty-making in systems of law derived from the United Kingdom was that treaty-making was largely an executive prerogative. In these "dualist" systems, the executive had the unfettered right to negotiate international treaties. The idea, presumably, was to maximise the executive's ability to negotiate and its ability to make credible commitments to other parties during negotiations. The legislature's role was to decide how these international commitments would be translated into domestic law. Theoretically, it could also simply refuse to legislate and, where legislation is required, the New Zealand executive has traditionally waited until legislation is in place before any binding commitments are made.[49] However, in these circumstances international negotiations have already been concluded so the legislature is still faced with a fairly stark choice over whether to accept or reject a Treaty. Additionally, as I explained above, many recent treaties do not require legislation to make them effective but may, nonetheless, "lock-in" policy that later administrations might like to change.[50] This situation may not be very problematic where treaties are concerned with issues that have traditionally been conceived of as international. However, as we saw in Sect. 18.2, the content of international economic treaties is increasingly precise and intrusive into domestic affairs. The increasingly blurred lines between national and international legislation was one impetus behind the 1997 reforms. The other was a broader concern about executive dominance in New Zealand, which also triggered the shift to the Mixed Member Proportional (MMP) voting system.[51]

The main impact of the post-1997 procedures was to facilitate committee scrutiny of international treaties whether or not they required legislation for implementation. All multilateral treaties must now be presented to the Foreign Affairs, Trade and Defence Committee. There were initial concerns that bilateral treaties might be excluded from the new procedures. However, after a second round of negotiations guidelines were issued to "help the Minister exercise his discretion"

[49] McKay (1997).

[50] They may require no legislation because they merely commit New Zealand to maintaining the status quo or, alternatively, they may be implementable on the basis of administrative changes or regulations that do not require legislative consent.

[51] Goldfinch (1998).

over referring other treaties to the Committee, including the expectation that the Committee's request to examine particular treaties would be honoured. At the same time the Ministry agreed to provide a six-monthly list of treaties under negotiation.[52] Government is also required to present an NIA, setting out the main advantages and disadvantages of the treaty along with its potential economic, social and cultural impacts and a statement of the legislative measures that will be required to implement it. NIA reports also provide a brief summary of the consultation that was carried out whilst the treaty was negotiated.

Select committees are still only able to scrutinise treaties once they have been negotiated. However, they are now given the chance to review and comment on aspects of treaties that do not require domestic legislation, including particularly commitments not to legislate in the future. Additionally, empirical research suggests that, where committees acquire a reputation for robust scrutiny and government majorities are small, the executive may feel obliged to work actively to ensure that there is political support for the treaty whilst negotiation is ongoing.[53]

The New Zealand select committee process is relatively robust by international standards, perhaps partly because of the absence of a second chamber.[54] Committees' openness to public scrutiny helps them to contribute to the kind of integration of perspectives and connection to the public that I emphasised at the end of the previous section. Obviously, external participation depends on public willingness to review the published list of hearings and appreciate their significance, so direct engagement with committees is likely to be an elite activity. Nonetheless, public input of this kind can feed into broader media scrutiny where issues are of sufficient public interest. Since the arrival of MMP, coalition and minority government has helped to ensure that committee chairs and memberships are not overly dominated by the incumbent government, giving them strong incentives to scrutinise executive policy and proposed legislation.[55]

Considering the apparent strength of the committee procedures, it is perhaps surprising that the FATD Committee has been relatively quiescent in the face of the major trade agreements that have been brought in front of it since the new measures were introduced. I briefly introduced these treaties in Sect. 18.2 above. As I explained, many of them create relatively limited new legal obligations but they do significantly constrain future policy changes. The provisions that are most significant are WTO plus services elements, investment protections including through international arbitration and modest labour entry in the New Zealand-China FTA. The services elements of the P4/TPP is especially ambitious and

[52] Dunworth (2000, 2004).

[53] Martin (2000); McLeay and Uhr (2006).

[54] For a fairly extensive evaluation of the committee system against criteria derived from the comparative legislative studies literature, see McLeay (2006). For a comparison with the British system, placing particular emphasis on the genuine scrutiny that goes on in New Zealand committees and their public openness, see Mitchell (1993).

[55] McLeay (2006); McLeay and Uhr (2006).

appears to impact almost any attempt at industrial policy that the New Zealand government might want to introduce in the future. Despite this, the FATD Committee has yet to raise any reservations to any of these treaties (though minority parties have attached dissenting statements to some committee reports, notably the New Zealand-Singapore CEP).

The NIA reports produced in relation to the agreements certainly do not do a great deal to encourage careful scrutiny of the agreements. Benefits of the relevant treaties are generally described in quite generic terms (often using identical wording between documents) and any attempts at quantification are seldom very sophisticated. The "disadvantages" sections usually concentrate on the forms of liberalisation that were not included in the treaty, rather than on the concessions New Zealand had to make during the process. Sections on the effects of treaties tend to emphasise their compatibility with current policy preferences but say little or nothing about the alternative policy approaches that the agreements rule out. Analysis of the potential costs of the treaty is also often rather weakly costed (particularly in relation to complex rules of origin provisions).

However, the weaknesses of NIA should not really surprise us very much. MFAT's instructions for drafting an NIA are interestingly ambiguous.[56] At one level, staff are told that the section on "Economic, social, cultural and environmental costs of the treaty action is *not* intended to provide an opportunity to advocate for the proposed treaty action" (p. 20, emphasis in the original). On the other hand the NIA as a whole is a summary of why (rather than whether) a treaty action is in the national interest (p. 12). Generally, it is unrealistic to expect the executive to produce a truly critical evaluation of policy that has already received considerable investment of time and energy, including support from the government and cabinet approval. NIA documents are drafted by relatively junior civil servants, who are unlikely to have the confidence or resources to offer robust critique of ministry policy (and would be unlikely to further their careers by doing so).

The NIA documents do at least set out useful accounts of the agreements concerned and some of the data that would be required for anyone wishing to conduct their own evaluation of the costs and benefits. As such, they seem to provide a reasonable starting point for thorough scrutiny. The inclusion of responses to consultation in NIA documents also provides a useful indication of the kinds of consultations that go on while trying to establish negotiating positions. The requirement for publicity about consultation also helps to offset the fact that committees only scrutinise legislation after negotiation has taken place. MFAT knows that it will have to show what kinds of consultation have taken place when it comes to committee scrutiny, off-setting any tendency to a narrow-minded focus on trade policy. However, lists of those who engage in consultation shows that such consultation is overwhelmingly dominated by business interests (primarily exporters, but also those likely to suffer import competition). The Council for

[56] MFAT (2009).

Trade Unions and Māori groups also tend to feature but there are rarely more than one or two civil society submissions and often none from relevant academics.[57] To be fair to MFAT, though, most significant treaties are now placed on the internet with an open invitation for submissions (though the standard wording specifically calls for submissions from business on what they would like to see in the treaty, while broader social input is only encouraged for labour and environmental side-letters), albeit sometimes on very tight timescales and only towards the end of negotiations.

The lack of engagement with broader civil society groups appears to show either a widespread public comfort with the kinds of agreements introduced or a weakness of non-government bodies and academics engaged in advocacy on economic issues in New Zealand. Such weakness should not, perhaps, be that surprising. The new "trade" issues tend to reverse the political collective action problems traditionally created by trade. Economists have long argued that small but concentrated losses from the removal of protection facilitate political organisation by protectionist interests, whilst the much larger but more widely diffused consumer benefits from liberalisation make pro-trade mobilisation more difficult, creating an anti-trade bias in domestic politics. However, with the kinds of investment treaties currently being negotiated, would-be international investors have tightly concentrated interests in promoting overseas liberalisation, while the potential costs of weakened environmental legislation, higher cost education or higher cost health care from over-zealous intellectual property protection are widely spread and hard to identify in advance. Arguably, collective action problems of this kind create a bias towards liberalisation in the context of the "new" trade agreements, which are fundamentally about investment regulation.

Where activists do manage to bring forward a more critical point of view, the patronising tone of some MFAT responses may not encourage further interaction:

> one submission called for the negotiation to be abandoned because it represented a neoliberal free trade strategy that would benefit transnational companies at the expense of workers, women and indigenous peoples. The submission was critical of the Trans-Pacific SEP's coverage of, and approach to, services and investment.[58]

Whilst MFAT may not have liked the views expressed, the relevant submission included several pages of very cogent argument prepared by a Professor of Law at Auckland University. The substantive nature of the comments (basically that services and investment provisions locked in policy that might turn out to be unwise) was ignored in the NIA.[59]

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[57] Consultation includes "consultation with Māori". However, MFAT seems to prefer to consult with the business oriented Federation of Māori Authorities, which is not necessarily seen as representative of Māori views as a whole. Indeed, in economic matters, there is room for considerable disagreement over the stake that Māori may have in such negotiations. Compare, for example, Macdonald and Muldoon (2006) with Bargh (2007).

[58] MFAT (2005), p. 63.

[59] For the submission, see http://www.converge.org.nz/watchdog/11/09.htm.

When it comes to committee hearings, some have attracted a wider range of submissions than others. The New Zealand-Singapore CEP agreement attracted 145 submissions. However, over a hundred of these were standard form letters produced by the anti-agreement campaign (one submission also had another 190 signed letters attached). Over the remaining 30 or so submissions, opinion was largely divided on the agreement with business groups and ACT in favour and the Green Party, unions and other civil society groups against.[60] The Committee report noted the content of these submissions but finally concluded that the benefits of the Treaty outweighed its potential costs. Since then, (with the exception of the particularly high-profile New Zealand-China FTA) interest has waned somewhat.[61]

Regardless of the level of critical input to committee hearings, though, the outcome has always ultimately been full acceptance of the government's position. It is possible that the Committee feels intimidated by the fact that important international relationships have already been established and is therefore unwilling to push MFAT officials to revisit negotiations. However the Green and Alliance parties were willing to press their dissent over the New Zealand-Singapore CEP agreement, despite the fact that the Alliance Party was a coalition partner in the Labour government and the Green Party has continued to register minority objections to all of New Zealand's preferential trade agreements.

A more convincing explanation is that:

> the majority of the New Zealand parliament understands New Zealand to be part of a globalised, rather than protectionist world: the predominant view is that, with its non-subsidised agricultural and manufacturing sectors ... the country needs free trade and bilateral and multilateral aid agreements.[62]

In other words, the pro-liberalisation consensus appears to be far more broad-based than simply a pre-occupation of the executive. Civil society's critical input to committee hearings can only have a political impact if there are enough committee representatives to take civil society views seriously and exert pressure to ensure that they are converted into meaningful political opposition to MFAT's negotiating practice. That kind of political opposition, in turn, is only likely if concerns about trade policy can be tied into an alternative vision of economic policy for New Zealand that is clearly hampered by the kinds of provision included in current trade agreements. One can imagine civil society pressure defeating a single aspect of a trade treaty (for example, retaining or enhancing government scrutiny over land acquisition by foreigners). A whole-scale change in economic philosophy, though, would require a larger political movement connected up with one of the major political parties.

[60] Hoadley (2003).

[61] The extraordinarily wide-ranging TPP treaty only received three submissions. The China agreement received 54 submissions: 27 opposing the agreement, 12 neutral but raising issues and 15 in favour.

[62] McLeay and Uhr (2006).