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Global health leaders calling for transparency in TPPA negotiations

Health advocates from Canada, New Zealand, Australia and other nations are leading an international call for public release and wide discussion of the text of the secret Trans-Pacific Partnership Agreement (TPPA).

Their call in the world's leading international medical journal *The Lancet* will be published February 14 [see *abridged full text below*], and is signed by 27 health leaders in Australia, Canada, Chile, Malaysia, New Zealand, USA, and Vietnam, including leaders of the World Medical Association and World Federation of Public Health Associations. Leaders are pressing for the TPPA to be transparent and its broad health impacts to be assessed – before it is signed.

Co-lead author and Canterbury psychiatrist Dr. Erik Monasterio, says the TPPA, like other 'new generation' trade deals, threatens governmental ability to deliver affordable health care and legislate to protect public health and reduce health inequities. "And all the while, the text is shrouded in secrecy."

"The negotiations are not about the way most of us think of trade – you and me buying and selling things. Instead they are protecting the massive investments profits of multinational companies. They want to make sure that countries won't be able to pass laws or change policies, no matter how important to the local country, if that would cut profits of an overseas investor."

University of Ottawa's Canada Research Chair on Globalization and Health, Ronald Labonte, notes that the leaked draft chapter on intellectual property rights will push up the cost of affordable and life-saving medicines, hitting hardest already vulnerable households in TPPA countries such as Vietnam and Malaysia. "And what Canada's spends more on patent drug costs will come at the expense of what it does not spend on primary care or disease prevention," he adds.

The deal also threatens public health by freezing government ability to pass laws for better health. Private investors who think health protective legislation might impinge on their profits could sue governments; but governments can't sue back if these investments create health hazards for citizens. "This will likely stop important health initiatives on tobacco, alcohol, the obesity epidemic, climate change, antibiotic resistance, and other major future challenges" Dr. Labonte notes.

The health leaders are calling for public release of the TPPA and health impact assessments of the agreement. "Parliaments and the public must be given an opportunity to exercise their democratic rights before a binding treaty that hands substantial and potentially health-threatening new powers to private corporations and investors is signed," ends Dr. Labonte.

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Dr. Ronald Labonte (University of Ottawa Canada Research Chair, presently in India, available only through Skype, please email first: rlabonte@uottawa.ca)

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Background

The call by 27 health leaders, from seven Pacific Rim nations, will be published in the Saturday 14 February 2015 print issue of *The Lancet*, and is available online from Friday 13 February at <http://www.thelancet.com/journals/lancet/issue/current> Correspondence.

Leaders are calling on their governments to publicly release the full draft TPPA text, and to secure independent and comprehensive assessments of health impacts for each nation. The assessments need to evaluate direct, indirect, short- and long-term impacts of the TPPA on public health policy and regulation, publicly funded health systems, the cost of medicines, and health equity.

The text of the call (embargoed to Friday 13 February 12.01am GMT) is provided below at the end of this Background information.

Lead signatories/co-authors are Drs Joshua Freeman (Auckland), Gay Keating (Wellington), Erik Monasterio (Christchurch), Pat Neuwelt (Auckland), and Deborah Gleeson (Melbourne)

Full list of signatories:

New Zealand

- ☞ Robert Beaglehole, Emeritus Professor, University of Auckland, New Zealand
- ☞ Ruth Bonita ONZM, Emeritus Professor, University of Auckland, New Zealand
- ☞ Marion Guy, President, New Zealand Nurses Organisation, Wellington, New Zealand
- ☞ Kerri Nuku, Kaiwhakahaere, New Zealand Nurses Organisation, Wellington, New Zealand
- ☞ Philip Pattermore, Associate Professor of Paediatrics, University of Otago Christchurch, New Zealand
- ☞ Papaarangi Reid, Tumuaki (Associate Dean – Māori), Faculty of Medical & Health Sciences, University of Auckland, New Zealand
- ☞ Jean Simpson, President, Public Health Association of New Zealand
- ☞ Boyd Swinburn, Professor of Population Nutrition and Global Health, Faculty of Medical & Health Sciences, University of Auckland, New Zealand; Alfred Deakin Professor and Director of the World Health Organization (WHO) Collaborating Centre for Obesity Prevention, Deakin University, Melbourne, Australia
- ☞ Alistair Woodward, Professor of Epidemiology and Former Head of School of Population Health, Faculty of Medical & Health Sciences, University of Auckland, New Zealand
- ☞ Joshua Freeman, Honorary academic, Faculty of Medical & Health Sciences, University of Auckland, New Zealand
- ☞ Gay Keating, Eru Pōmare Māori Health Research Centre, Department of Public Health, Wellington School of Medicine & Health Sciences, University of Otago, Wellington, New Zealand
- ☞ Erik Monasterio, Consultant in Forensic Psychiatry, Senior Clinical Lecturer, Christchurch School of Medicine, University of Otago, Christchurch, New Zealand.
- ☞ Pat Neuwelt, Senior Lecturer, Health Systems, School of Population Health, University of Auckland, New Zealand

Australia

- ☞ Fran Baum, Matthew Flinders Distinguished Professor of Public Health and Director of the Southgate Institute of Health, Society and Equity, Flinders University, Adelaide, Australia
- ☞ Sharon Friel, Professor of health equity and Director of the Regulatory Institutions Network (RegNet), The Australian National University, Canberra, Australia
- ☞ Mike Daube AO, Professor of Health Policy, Curtin University, Perth, Australia
- ☞ Michael Moore, CEO, Public Health Association of Australia; Vice President/President Elect World Federation of Public Health Associations; Adjunct Professor, University of Canberra, Australia

Deborah Gleeson, Lecturer, School of Psychology and Public Health, La Trobe University, Melbourne, Australia

Canada, Chile, Malaysia, USA, Vietnam

Le Vu Ahn, President, Vietnam Public Health Association, Vietnam

Amir Attaran, Canada Research Chair in Law, Population Health and Global Development Policy, Faculties of Law and Medicine, University of Ottawa, Canada

James Chauvin, Immediate Past President, World Federation of Public Health Associations; Independent Public Health Advocate & Consultant, Québec, Canada

Ian Culbert, Executive Director, Canadian Public Health Association, Ottawa, Canada

Datuk Raj Abdul Karim, President Malaysian AIDS Council, Kuala Lumpur, Malaysia

Ronald Labonté, Professor & Canada Research Chair, Globalization/Health Equity, Faculty of Medicine, University of Ottawa, Canada

Fernando Muñoz Porras, Profesor Asociado, Escuela de Salud Pública Salvador Allende G., Universidad de Chile, Santiago; Presidente, Sociedad Chilena de Salubridad, Chile

Ellen R. Shaffer, Co-director, Center for Policy Analysis on Trade and Health, San Francisco, USA

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James Chauvin, Immediate Past President, World Federation of Public Health Associations; Independent Public Health Advocate & Consultant, Québec, Canada

Michael Moore, CEO, Public Health Association of Australia; Vice President/President Elect World Federation of Public Health Associations; Adjunct Professor, University of Canberra, Australia

Mukesh Haikerwal AO, Chair of Council, World Medical Association

(Embargoed) abridged text of *The Lancet* publication, Saturday 14 February 2015:

Call for transparency in new generation trade deals

...(N)ew proposed agreements for trade and investment threaten the ability of governments worldwide to provide affordable health care and to put in place health and environmental laws that protect public health and mitigate health inequity.

One such agreement, the TransPacific Partnership agreement (TPPA), is in the final stages of negotiation between 12 Pacific-Rim countries, affecting more than 700 million people. Although USA-based industry advisors have been granted privileged access to negotiating documents,² health agencies have been forced to rely on leaks for information.

As for the proposed Trans-Atlantic Trade and Investment Partnership between the European Union and the USA, serious concerns about the health effects of the TPPA have been highlighted in medical journals and by civil society.¹⁻⁶ The concerns include unprecedented expansion of intellectual property rights that would prolong monopolies on pharmaceuticals and reduce access to affordable and lifesaving generic medicines.²⁻⁴ Effective price regulation of medicines could also be undermined.^{2,5} Rising medicine costs would disproportionately affect already vulnerable populations, obstructing efforts to improve health equity within and between countries.^{1,5}

Investor state dispute settlement (ISDS) provisions allow investors to sue governments if policy changes or even court rulings substantially affect the value of their investment, yet do not allow governments to sue investors for breaching the right to health.⁶ ISDS processes constrain governments' abilities to regulate on the basis of the precautionary principle, or even to implement health policies on the basis of established evidence. These processes can have a chilling effect on efforts to address key health issues, such as alcohol, the obesity epidemic, and climate change. In New Zealand, the fear of costly ISDS litigation is already constraining government regulation on tobacco plain packaging.⁶

As health practitioners in seven of the involved Pacific-Rim countries, we call on our governments to publicly release the full draft TPPA text, and to secure independent and comprehensive assessments of the health and human rights consequences of the proposed agreement for each nation. The assessments should evaluate the direct and indirect—and short-term and long-term—effects of the

TPPA on public health policy and regulation, publicly funded health systems, the cost of medicines, and health equity; they should also be openly released to allow full public and legislative discussion before any political tradeoffs are made and the agreement is signed.

Joshua Freeman, Gay Keating, Erik Monasterio, Pat Neuwelt, Deborah Gleeson; for signatories from Australia, Canada, Chile, Malaysia, New Zealand, USA, Vietnam (Le Vu Ahn, A Attaran, F Baum, R Beaglehole, R Bonita, J Chauvin, I Culbert, M Daube, J Freeman, S Friel, D Gleeson, M Guy, M Haikerwal, Datuk RA Karim, G Keating, R Labonté, E Monasterio, M Moore, F Muñoz Porras, P Neuwelt, K Nuku, P Pattemore, P Reid, ER Shaffer, J Simpson, B Swinburn, A Woodward)

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