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### MEDIA RELEASE

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#### **Health professionals call on Groser to give trade deal a health check**

Health professionals say a comprehensive health impact assessment of the Trans-Pacific Partnership (TPP) agreement must be carried out to protect the health of New Zealanders. They say leaked information suggests international big business, such as the tobacco or alcohol industries, could sue the New Zealand government if it puts health-based policies in place that might threaten their profits.

Clauses designed to protect the intellectual property rights of the pharmaceutical industry would make medicines more expensive in New Zealand by preventing PHARMAC from purchasing cheaper generic drugs.

Members of ten health organisations are calling on Trade Minister, Hon. Tim Groser, to bring in health experts to give the proposed TPP an independent and comprehensive health check-up.

In an article in *NZ Doctor* published online today they say the results should be publicly released for full discussion, well before New Zealand commits to the trade deal.

"The negotiations are all being carried out in secret, and the little that has leaked out is very worrying," says Dr Joshua Freeman, a spokesperson for the health organisations.

"New Zealand should have the sovereign right to make laws and policies for the wellbeing of its people without interference. Under the TPP it appears that New Zealand could find itself in the international trade tribunal if it brings in new policy around, for example, tobacco, alcohol, unhealthy food, or environmental regulation."

The TPP is a trade agreement in negotiation between New Zealand, the USA, and 10 other Pacific Rim countries. Ministers have given assurances that New Zealanders' health interests will be protected, but the health professionals believe these promises are inadequate.

"We wouldn't just trust that a new medicine or procedure is safe, simply because someone makes general reassurances," says Dr Freeman.

"There needs to be published research, peer review and expert scrutiny before we expose our patients and communities to something new. Anything else would be medical negligence. We expect the same standards of evidence and due diligence for the TPP.

"The TPP poses a greater threat than a new drug or medical procedure and we want to be able to assess and debate the health risks before we commit to such a deal."

The health professionals argue the risks are not just theoretical. Overseas pharmaceutical companies, tobacco companies, mining companies and the oil industry are all using trade agreements to protect their investments – regardless of the pollution or damage to people’s health caused by their activities or products. The World Health Organization, Médecins Sans Frontières and United Nations experts have all warned of these dangers (*see below*).

“We need a full health impact assessment, and its results have to be open to public scrutiny before deciding that this trade deal is safe and healthy for New Zealanders,” Dr Freeman says.

## **ENDS**

### **Signatories:**

Dr Rhys Jones, Co-convenor, OraTaiao: The NZ Climate and Health Council

Dr Alexandra Macmillan, Co-convenor, OraTaiao: The NZ Climate and Health Council

Susanne Trim, Professional Services Manager, NZ Nurses Organisation

Rebecca Williams, Director, Alcohol Healthwatch

Prof Doug Sellman, Alcohol Action NZ Incorporated

Marise Stuart, President, NZ Medical Students Association

### **Media Spokesperson:**

Dr Joshua Freeman, Ph 021 245 1722

Dr Freeman is a Clinical Microbiologist and honorary academic at the University of Auckland. He is a member of OraTaiao: The New Zealand Climate and Health Council.

### **Other media spokespersons:**

Dr Rhys Jones, Ph 021 411 743

Prof Alistair Woodward, Ph 027 423 7375

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## **Background**

### **The Trans-Pacific Partnership (TPP)**

The Trans-Pacific Partnership (TPP) is a trade agreement currently in the late stages of negotiation between New Zealand, the USA, and 10 other Pacific Rim countries. Although this agreement has been negotiated in secret, leaked documents confirm that the TPP would allow the New Zealand Government to be challenged by foreign investors if health regulations affected international investments.

### **New Zealand health professional concerns and government response**

On 12 May 2014, following on from earlier letters, over 270 health professionals sent an open letter to the NZ Prime Minister. They expressed concern that the TPP would have

major long term implications for population health in NZ. The open letter asked that New Zealand's ability to introduce regulations to improve or safeguard health not be hampered by foreign investors whose primary concern is to maximise profits.

<http://www.orataiao.org.nz/TPPA+letter>

A reply to that letter from the Minister of Trade (Hon Tim Groser) and an article subsequently published in NZ Doctor by the former Minister of Health (Hon Tony Ryall) in which assurances were given that New Zealand would benefit from the TPP and that health interests would be protected. <http://www.mfat.govt.nz/Trade-and-Economic-Relations/2-Trade-Relationships-and-Agreements/Trans-Pacific/1-TPP-Talk/0-TPP-talk-31-July-2014.php>

### **World Health Organization (WHO) warnings**

This year the WHO Director General Dr Margaret Chan stated:

"One particularly disturbing trend is the use of foreign investment agreements to handcuff governments and restrict their policy space... In my view, something is fundamentally wrong in this world when a corporation can challenge government policies introduced to protect the public from a product that kills. ...

If these agreements open trade yet close access to affordable medicines, we have to ask: Is this really progress at all, especially with the costs of care soaring everywhere?" <http://www.who.int/dg/speeches/2014/wha-19052014/en/>

The WHO had noted warnings that poor national and international governance of international trade and finance pose high risks to health. In 2005 (The Bangkok Charter for Health Promotion in a Globalized World

[http://www.who.int/healthpromotion/conferences/6gchp/bangkok\\_charter/en/](http://www.who.int/healthpromotion/conferences/6gchp/bangkok_charter/en/) ) and in

2008 (Commission on the Social Determinants of Health)

[http://www.who.int/social\\_determinants/thecommission/finalreport/en/](http://www.who.int/social_determinants/thecommission/finalreport/en/) raised concerns.

Both reports stated that health impact assessments are needed.

### **Doctors Without Borders/Médecins Sans Frontières (MSF) warnings**

This independent and neutral health organisation that provides health care where need is greatest, often in situations of conflict and epidemics, warned in 2013 that

"the TPP agreement is on track to become the most harmful trade pact ever for access to medicines in developing countries"

<http://www.doctorswithoutborders.org/news-stories/briefing-document/trading-away-health-trans-pacific-partnership-agreement-tpp>

They urged all governments involved in the TPP to reject provisions that will harm access to medicines. In 2014 they repeated their concerns saying the TPP would:

"tip the balance towards commercial interests and away from public health"

<http://www.msfaccess.org/content/briefing-note-trading-away-health-trans-pacific-partnership-agreement-tpp-2014>

### **UN health and human rights warnings**

United Nations bodies have been warning of the need for increased health and human rights protection, given the dangers of international trade and investment, since at least 2003.

[http://www.un.org/ga/search/view\\_doc.asp?symbol=E/CN.4/Sub.2/2003/12/Rev.2](http://www.un.org/ga/search/view_doc.asp?symbol=E/CN.4/Sub.2/2003/12/Rev.2) . Most recently there have been explicit warnings on the dangers of trade agreements for toxic

products, environmental health and costs of medicines. Countries are being reminded that the

“right to health cannot be subject to contractual rights of investors”

Countries are urged to ensure that their ability to make laws for health are not in any way hindered by trade agreements.

<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N14/501/83/PDF/N1450183.pdf?OpenElement>

### Challenges to governments under trade agreements soaring

The following graphs show the number of known investor state dispute settlement (ISDS) cases. (source the United Nations Conference on Trade and Development IIA Issues Note, April 2014 at [www.unctad.org/diae](http://www.unctad.org/diae)). An unknown number of challenges have not been disclosed.

