



World Federation of Public Health Associations

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Health and International Trade Agreements

Proposed by the Public Health Association of Australia (PHAA)

Revised by Professor Theo Abelin and

the Policy Committee of the WFPHA, April 19, 2004

The World Federation of Public Health Associations (WFPHA) at its annual meeting of 19 April 2004 in Brighton has reviewed recent developments in global trade and their possible consequences for protecting and promoting public health. Of particular importance in this context is the recognition that:

Good health in all parts of the population is not only a moral good in itself, but also a prerequisite for economic growth and sustainable development;

Public health decision making and health services structures should be able to ensure equity among all parts of the population in being reached by effective public health measures and access to essential health services;

These necessary measures, services, therapeutic agents and techniques should be available to the population in such a way that no population groups, families or individuals are excluded from access because of inability to pay or any other characteristics;

The WFPHA notes that trade liberalization and market or market-like mechanisms and management methods may enhance efficiency and consumer welfare.

The WFPHA notes however, that the optimal operation of markets requires State intervention to address inherent failures, which can lead to inefficiency and the misallocation of resources, the under-funding of public goods such as population health and research, and an overall loss of consumer welfare. These risks are heightened when international trade agreements are concluded and laws are passed without formally regulating and implementing rules in favor of the public health.

The WFPHA therefore welcomes the formal incorporation of public health principals into international trade negotiation process. In particular the key principle of the Doha Declaration 1 on the TRIPS Agreement and Public Health, adopted by the WTO Ministerial Conference in November 2001, states trade agreements should be interpreted and implemented so as to protect public health and promote access to medicines for all. These declarations ensure that trade agreements address market failures and balance protection of investor assets with a State's sovereign right to address public health needs.

The WFPHA is however concerned to see these internationally agreed WTO principals being eroded by recent developments in the bilateral and regional trade agreements. In particular recent bilateral trade negotiations have included 'TRIPs plus' patent protection clauses, which weaken public health declarations of the WTO at Doha. These agreements generally involve a powerful nation pressuring a smaller trading partner to accept significant limitations on their capacity to address public health needs and provide access to medicines.

These developments indicate that developing nations and comparatively small economies may be ill-equipped to respond to the rapidly changing free-trade agenda and negotiate bilateral agreements that ensure public health concerns are adequately addressed. Smaller trading partners therefore need to be aware and may need international assistance to ensure that regional and bilateral agreements do not lead to concessions that undermine public health.



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The WFPHA, in compliance with its Resolution on "Public Health and Globalisation", passed May 14, 2001, and based on its Position Paper on "International Trade Agreements: Priorities for Health", passed May 19, 2003, as well as other sources, has examined what opportunities and risks countries have with respect to ongoing international trade negotiations. As a result, the WFPHA

Recognizes that a number of governments

- find it difficult to adequately protect population health needs within the context of international trade agreements.
- make commitments in trade liberalization negotiations before presenting the issues to their countries' political decision making bodies;
- unilaterally delegate representatives to trade negotiations whose primary interest is in trade liberalization rather than public health.

From this the WFPHA concludes that in these countries there is a need for advocacy and technical support activities from civil society and professional organizations toward optimising the results of trade in service negotiations from a public health point of view.

Therefore, the WFPHA

Reiterates the concerns and reaffirms the principles articulated in its 2003 Position Paper 'International Trade Agreements: Priorities for Health'; and

Resolves to:

Ask the WHO to develop and promulgate a policy requiring that national health impact assessments be conducted as part of the background to any proposed trade agreement (whether multilateral or bilateral);

Ask that the WHO provide technical expertise to all developing and least developed countries entering multilateral or bilateral agreements to assist in the conduct of comprehensive health impact assessments;

Urge the WHO to fulfill its mandated role of safeguarding public health, and making full use of the powers granted to it as an international organisation, seek participatory status at WTO Tribunal and Appellate body hearings in order to represent the health interests of populations in countries with disputes before these bodies;

and

Advocate that the principle of health before trade be applied to all trade negotiations and oppose the retraction of public health regulations and health related international treaties as a prerequisite to trade negotiations.

Advocate that the WTO establish rules for all members entering regional or bilateral agreements to ensure that minimum standards to protect public health set in WTO agreements cannot be weakened in bilateral negotiations;

and calls upon its leadership to try to finance and to initiate a Federation program on Public Health and International Trade, in which

- member associations are asked to be concerned with and educate themselves in the issues relating to public health and international trade
- member associations are supported in this process



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- member associations are encouraged to advocate in their countries for an active government policy to conduct health impact assessments as part of the background to any proposed trade agreement (whether multilateral or bilateral)

Every effort be made to aid member associations in developing and least developed countries to secure support enabling them to engage in these activities in their countries.

1 http://www.who.int/medicines/organization/ood/trips_med.shtml