

Invitation to a side event at the 68th WHA:

Impacts of trade and investment agreements on health

Wednesday 20th May 2015, 18h00 - 20h00

Geneva Press Club, Route de Ferney 106
(10 min walk from WHA, see [map](#) below)

Global trade plays an important role in global health governance, with several WTO, regional and bilateral free trade agreements impacting health in different ways across countries. The WTO TRIPS agreement harmonized laws that protect intellectual property with deep impacts on access to medicines. Twenty years after the start of its implementation, it is time to take stock of the experience of using TRIPS' 'health safeguards'. One of these, the WTO least-developed countries' (LDC) 'pharmaceutical waiver', allowing them to not enforce intellectual property rights on pharmaceutical products (patents, data exclusivity), is reaching its term, and the LDCs request for an extension will be discussed at the TRIPS Council in June 2015.

The repeated collapses of WTO negotiations have led to developed countries pushing for Regional and Bilateral Free Trade Agreements (FTAs) – such as the Trans Pacific Partnership Agreement (TPP), the Trans Atlantic Trade and Investment Partnership (TTIP) or the Trade in Services Agreement (TISA) – that have and will continue to have far reaching effects on health by establishing new undemocratic standards of trade and health governance.

Speakers:

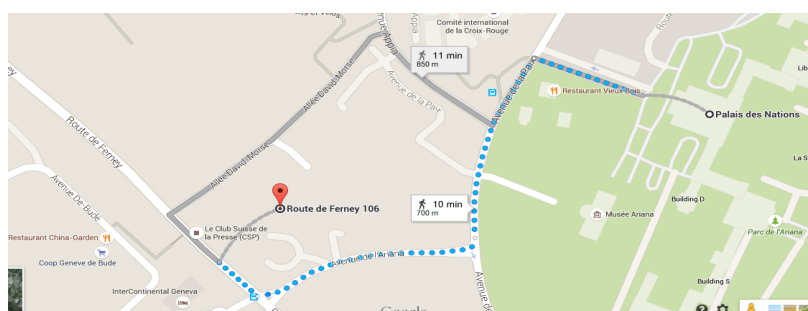
- *20 years of TRIPS: failed promises:* Carlos Correa, South Center
- *LDC pharmaceutical waiver extension:* Patrick Durisch, Berne Declaration
- *Mega trade and investment agreements and health:* Kajal Bhardwaj, independent

The session will be moderated by David Legge, People's Health Movement.

The event will be concluded by the launch of the alternative world health report, **Global Health Watch 4**. Refreshments will be offered at the end.

We hope you will be able to join.

The Berne Declaration, Health Action International, Medico International, Medicus Mundi International, People's Health Movement, Safe Observer International, the South Centre, Third World Health Aid, Third World Network, Wemos



Impacts of trade and investment agreements on health

Since 1995 the World Trade Organisation (WTO) has become the major international forum for debate and resolution of conflicts, in the area of major health related policies or policies that impact on health. The WTO's ability to intervene in global health issues is of a much higher order than the World Health Organisation as the WTO agreement is a binding agreement with clear commitments made by contracting parties.

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) harmonized laws that protect intellectual property irrespective of the domestic situation with regard to access to medicines. At the insistence of many Low and Middle Income Countries, the TRIPS agreement incorporated a number of 'health safeguards' designed to mitigate the adverse impact of the strong patent regime it imposes. Twenty years later, it is time to take stock of the experience of using TRIPS' 'health safeguards' and examines emerging trends in the global trade environment that act as barriers to medicines' access.

In consideration of their economic situation, Least Developed Countries (LDCs) were spared from implementing the TRIPS provisions. This has exempted them to enforce intellectual property rights on pharmaceutical products, such as patents and data exclusivity. However, the time period of this 'waiver' is reaching an end on 1 January 2016. LDCs have submitted a request for the extension of what can be called the "pharmaceutical waiver" which will be discussed during the upcoming TRIPS Council meeting, in June 2015. As per the request, the waiver should be extended until a country is no longer classified as LDC. LDCs are facing enormous challenges with regard to access to medicines and proper health care and need prolonged flexibility to be able to establish a viable technological base.

The failure of the WTO to accommodate interests of all countries and the repeated visible collapse of the Ministerial negotiations has prompted developed countries to look for other channels to promote global trade, such as Regional and Bilateral Trade Agreements. Two mega Free Trade Agreements (FTAs) are now being negotiated (both involving the United States), which are likely to have far reaching effects - the Trans Pacific Partnership Agreement (TPP) and the Trans Atlantic Trade and Investment Partnership (TTIP). A major area of concern are the investors' protection provisions (Investor-State Dispute Settlement mechanisms, or ISDS). If they were to be signed, these agreements would establish new standards of trade and health governance.

50 countries that represent 70% of the global service economy are negotiating an agreement to liberalise trade in services, the Trade in Services Agreement (TISA).

For developing countries with failing health systems, foreign investment may seem an attractive source of capital and medical technology. Yet involvement of the foreign private sector in health care has the potential to further marginalize the poor. As the basic philosophy that drives TISA is that services should be provided by for-profit private enterprises operating in a global market for services, it will favour privatisation of public services. A global agreement on services would prevent governments from imposing laws and regulations to protect public health (among other areas), and governments would be forced to allow transnational corporations to operate freely, even in situations where they may clearly endanger public health. TISA would not only affects poor countries, but also the poor in rich countries.

Global Health Watch, now in its fourth edition, is one of the few publications that cover people's health and health systems' issues from a political economy perspective, including trade and investment agreements. It is a key tool for anyone interested to understand global health governance and the impacts of the economic and political architecture on health.

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