



## BULLETIN April 2013

### *Inside this edition:*

- [Trade Justice Dinner May 8, 2013: \*book now!\*](#)
- [TPPA International Rally May 11, 12 noon Martin Place](#)
- [Successful seminar and AFTINET's new leaflet and fact sheets on the TPPA](#)
- [Trans-Pacific Partnership \(TPPA\) negotiations in Singapore March 4-13, 2013](#)
- [MSF's Kelly Nicholls says put health ahead of profits in the TPPA in \*The Australian\*](#)
- [TPPA a threat to public health in \*The Lancet\* medical Journal](#)
- [Friends of the Earth video on TPPA threat to the environment](#)
- [AFTINET submission on new Trade in Services negotiations](#)

Trade Justice Dinner May 8, 2013: book now!



**AFTINET**  
Australian Fair Trade  
& Investment Network Ltd

## Trade Justice Dinner 2013

Please join us for an entertaining evening of fine food and interesting discussion at our annual fundraising dinner with auction and raffle prizes. All proceeds go to fund AFTINET's trade justice work.

Wednesday 8<sup>th</sup> May 2013

**The Hellenic Restaurant**

251 Elizabeth Street, Sydney, 2000  
(between Liverpool & Bathurst Sts)

*Special Guest Speaker:*

### **Senator Doug Cameron**

Senator Cameron is a former National Secretary of the Australian Manufacturing Workers Union and has been an active member of various parliamentary committees, including those dealing with economic and trade policy. His topic will be "Free Trade or Fair Trade?"



**6.30pm \$60 per person**

*Savour the flavour of a delicious Greek banquet*

**Vegetarian/Vegan options available**

RSVP 1<sup>st</sup> May (Click here for [Booking Form](#))

\*

**TPPA International rally May 11, 12 noon Martin Place**



**Trans-Pacific Partnership Agreement International Rally!**

**Saturday 11 May 2013, 12 Noon**  
**US Consulate, Martin Place, Sydney**  
**(corner of Castlereagh St)**



The Trans-Pacific Partnership Agreement (TPPA) is a free trade agreement being negotiated between Australia, the US, New Zealand, Canada, Mexico, Peru, Chile, Singapore, Brunei, Malaysia and Vietnam.

US global corporations are driving the agenda to expand their rights at the expense of peoples' rights. Pharmaceutical companies want higher prices for medicines, tobacco companies want to sue governments for health regulation, and there is so far no agreement to implement workers' rights or environmental standards.

On May 11, International Fair Trade Day, AFTINET will join others around the world to say no to corporate rights and yes to workers' rights and the environment.

**It's time to say Fair Deal or No Deal in the TPPA!**

\*

## **Successful seminar and AFTINET's new leaflet and fact sheets on the TPPA**

AFTINET had a full house for the seminar on the TPPA and women's rights held on March 5 at NSW Parliament House. Speakers included Dr Elizabeth Hill from Sydney University, Kelly Nicholls from MSF and Dr Pat Ranald from AFTINET. This was also the launch of AFTINET's new leaflet on the TPPA and factsheets on the TPPA and women's right, the TPPA and workers' rights and the impact of the TPPA on public services and regulation of all services. These are now available at <http://aftinet.org.au/cms/node/564>

\*

## **Trans-Pacific Partnership (TPPA) negotiations in Singapore March 4-13, 2013**

By Dr Patricia Ranald

The 16th round of TPPA negotiations was held in Singapore March 4-13, 2013. AFTINET was not able to send a representative because we organised activities in Australia to coincide with the negotiations. This report is based on information from international civil society representatives who work with us.

### **Civil society in Singapore**

Civil society actions were limited by local laws which prohibit public gatherings, but there were several media events and seminars for negotiators. Unlike in Auckland, stakeholders were allowed into the venue, which made it easier to speak with negotiators.

On March 4, the first day of negotiations, there was an advertisement in the *Singapore New Straits Times* initiated by Southeast Asia Tobacco Control Alliance and signed by AFTINET and six other public health and tobacco control organisations. The message was that the TPPA should not give the tobacco industry opportunities to increase its business or to sue governments (like the Philip Morris case in Australia) at the expense of people's lives. This was seen and commented on by negotiators.

On March 5 there was a media conference coordinated by Consumers International at which there were a range of speakers on access to medicines, copyright and other issues. This received television coverage from a regional business program and there were some follow-up interviews. Both Oxfam and Medicines sans Frontiers made public statements about the dangers to access to medicines posed by the US proposals on patents and medicines which received media coverage.

Civil society groups also gave stakeholder presentations and organised seminars for negotiators on the dangers of investor-state disputes, led by a prominent Singaporean

professor, and a specific briefing on the Eli Lilly case, in which a US pharmaceutical company is suing the Canadian government over a decision not to grant a patent on a particular medicine.

### **Australian activities**

Dr Deborah Gleeson from Latrobe University published an article on the potential impact of the TPPA on public health in the international British medical journal *The Lancet* on March 1, which had an impact in the health sector, and which is linked to the AFTINET website.

AFTINET organised a Seminar on the TPPA and women's rights at NSW Parliament on March 5 about the impact of the TPPA on women's rights. There was a full house, which included representatives of women's organisations. The speakers were Dr Elizabeth Hill from the Sydney University, Kelly Nicholls from Medicines sans Frontières and Dr Patricia Ranald from AFTINET. We had excellent feedback on our new leaflet and factsheets and have been invited to speak at several community meetings.

Kelly Nicholls published in an oped in *the Australian* March 6 which is reprinted in this bulletin.

Pat Ranald was interviewed by community radio NZ Green Planet programme, 3KD Razor Sharp and the Green Magazine March 4-12.

### **US demands still sticking points in TPPA negotiations despite deadline of October 2013**

The TPPA leaders announced last year that they were aiming to finish the negotiations by October 2013. Negotiators are under pressure to complete as much text as possible, leaving only serious areas of disagreement to be determined by leaders at the political level at a side meeting of the TPPA to be held at the APEC meeting in Bali in October. The Singapore government reported at the end of the round that there had been best progress on regulatory coherence, customs, development and telecommunications.

However important chapters remain deadlocked. The US had previously withdrawn its proposed texts on patents and medicines for further consideration after they were rejected by all other governments. Mexico and Canada reportedly joined all other countries in rejecting the previous US text. The US did not table a new text in Singapore.

There is also continuing disagreement about the copyright provisions of the intellectual property chapter, because of disagreement with the US proposals for greatly increased protections for copyright holders and inadequate safeguards for consumers, especially on the Internet.

The US proposal for legally binding restrictions on state-owned commercial enterprises, purportedly to prevent them from competing unfairly with other businesses, remains controversial. Developing countries like Malaysia and Vietnam are concerned because state-owned enterprises form a large part of their economies. The Australian government

reportedly tabled a set of non-binding principles but there is no alternative text to the US proposals.

The labour and environment chapters reportedly remain deadlocked, with no agreement on the inclusion of enforceable international standards in either chapter.

There are still differences over the investment chapter. Australia is still refusing to agree to the investor-state dispute process, which would give foreign corporations the right to sue governments for damages if a law or policy harms their investment.

It is still unlikely that the US will offer any increases in access to its own markets for countries like Australia which have existing bilateral agreements with it.

### **Japan to join TPPA, possible April announcement by TPPA leaders**

Japan has announced that it wishes to join the TPPA. This is subject to approval by other TPPA countries. The US must give 90 days notice to its Congress before Japan can actually join the negotiations.

The TPPA Trade Ministers are due to meet on the sidelines of an APEC meeting in Indonesia on April 20-21, at which they may announce that Japan's entry has been approved, subject to US Congress approval.

The basis of other countries joining the TPPA is supposed to be that they agree to any text which has so far been agreed by the other parties. However, Japan's request to join was on the basis that there it may not have to reduce all trade barriers to some agricultural products from other countries, including rice. This could slow down the negotiations, since access to agricultural markets is an important issue for many governments in the negotiation.

### **Negotiations in May and July before October Leaders Meeting: campaign continues**

The next rounds of TPPA negotiations will to be held on May 13 -20 in Lima, Peru, and in Malaysia in July. The range of government positions described above means that many issues may need to be negotiated by political leaders at the APEC meeting in October 2013, and Japan's entry may delay this process further.

AFTINET is planning a rally as part of global TPPA actions on May 11, before the next negotiations begin on May 15, as advertised above in this bulletin.

\*

## **MSF says put health ahead of profits in the TPPA - op-ed in *The Australian***

Kelly Nicholls *The Australian* online March 6, 2013

THE US government is trying to slyly push restrictive intellectual property protections through the Trans Pacific Partnership negotiation rounds that are currently underway in Singapore.

If they succeed, this will be the most damaging trade agreement ever for access to essential medicines in developing countries.

For the patients around the globe whom organisations like Medecins Sans Frontieres treat, this will have disastrous consequences. Too many people are already dying needlessly because the medicines they need are too expensive or they do not exist, and these aggressive proposals will only cause further harm and keep prices far out of reach for millions.

Australia must demand that public health needs be prioritised over profit. Failing to do so would make the Australian government complicit with US proposals and their devastating outcomes.

The TPP agreement is likely to be one of the largest trade pacts ever, encompassing 11 countries today and potentially open to all 21 Asia-Pacific Economic Cooperation nations. Thailand is in the process of joining and Japan and the Philippines are actively considering. Additional countries will be allowed to join later - but probably without the ability to change the text. The TPP has also been billed as a model for future trade agreements across the globe and thus could set a dangerous precedent.

Negotiations have been held behind closed doors, but leaked documents revealed that the US was pushing restrictive intellectual property and investment provisions that would make it easier for companies to get patents, keep them longer, while making it difficult for people to oppose them. This is a dangerous principle that would push the price of medicine out of reach for those most in need.

Negotiating countries, including Australia, initially rejected the US government's intellectual property proposals. The US said it would take into account these concerns and present a fresh proposal. However, they have failed to do so and medicines have not been debated again, now for over a year. With the rush to finalise the agreement by the end of the year, access to medicines issues may be forced to be included in the final agreement without substantive debate through a political decision. This would be the worst possible outcome for public health as the US proposals could enter unchanged.

US proposals would require the further patenting of modifications of old medicines, even in the absence of therapeutic benefits. They would also require patenting of surgical, therapeutic and diagnostic methods which could increase medical liability and the cost of medical practice and thus reduce access to medical procedures. It would prohibit pre-grant opposition to patents. This would make it much more difficult and costly for local organisations to challenge patents and drugs protected by patents even if the patents were

invalid. It would also extend patents past the current 20-year norm and prohibit national drug regulatory authorities from approving generic medicine until patents have expired. Finally it would prevent drug safety regulators from using existing clinical data to give market approval to generic or biosimilar drugs. These are all great wins for big pharmaceutical companies. But they come at the cost of public health.

The TPP proposal also includes investor-state investment dispute provisions that would allow corporations to file suit against national governments if they perceived that a particular law negatively affected their investment or anticipated profits. In the case of access to medicines, intellectual property is explicitly mentioned as covered by the investment chapter and therefore pharmaceutical firms could use TPP investor-state dispute provisions to overturn national patent (and other IP) laws that may be designed to protect public health. This is in fact already happening in Canada, where Eli Lilly is threatening to sue the government of Canada under similar rules included under NAFTA because Canada rejected a drug patent considering it did not adequately meet the criteria for patentability.

In a country like Australia these concerns can appear abstract. But in the places where Medecins Sans Frontieres works, lack of access to medicines is a daily reality. It's tragic to see a person who has a deadly, yet curable disease unable to afford treatment. In the majority of countries where we work, people cannot afford insurance and are forced to pay for healthcare out of their own pocket. Many of these people live off a minimum wage - if they're lucky enough to have a job. Often they support large families. The cure or treatment for their disease exists. But it is monopoly owned and protected by patents and thus priced out of range for those most in need. The reality is stark. Unless their situation changes, they will likely die.

That is the reality of the proposals that the US government is trying to sneak through the back door. They will cost lives and many of them. The Australian government is in a stronger negotiation position than many other parties to the agreement, especially developing countries such as Vietnam, Brunei, Peru and Thailand. Australia must stand up to the US government's demands. But Australia should not just consider domestic interests, but act as a champion for the developing countries who are party to the agreement.

Medicine is a matter of life and death. We must do everything we can do protect and promote all people's access to life-saving medicine.

*Kelly Nicholls is the Advocacy and Public Affairs Manager for Medecins Sans Frontieres Australia*

\*

### **TPPA a threat to public health in *The Lancet* medical Journal**

An article by Dr Deborah Gleeson of Latrobe University, published recently in the British Medical Journal, *The Lancet*, says the ability of governments world-wide to make sound public health policies and laws is threatened by the TPPA read the full article in the AFTINET website <http://aftinet.org.au/cms/node/562>

\*

### **Friends of the Earth video on TPPA threat to the environment**

A new video from Friends of the Earth, U.S.A highlights the threat to human rights and the environment posed by the TPPA proposals to enable foreign investors to sue governments for damages over health and environmental legislation.

The video illustrates these threats by telling the story of Chevron v. Ecuador, in which oil giant Chevron successfully sued the Ecuadorian Government in an international tribunal because an Ecuadorian court ordered Chevron to pay for the pollution caused by its operations in the Ecuadorian rain forest.

Watch the video at <http://aftinet.org.au/cms/node/566>

\*

### **AFTINET submission on new Trade in Services negotiations**

AFTINET has made a public submission to the Department of Foreign Affairs and Trade about negotiations on trade in services with a group of mainly OECD countries. We are concerned that this negotiation, which is taking place outside the WTO framework, and does not include the vast majority of WTO developing country members. We also want to ensure that the Australian Government and other governments retain the right to provide and fund public services, and to regulate all services in the public interest. See the submission at <http://aftinet.org.au/cms/node/567>