Politics, Policies and Health Equity: Reflection from the Pacific Rim

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‘ENHANCE POLICY COHERENCE for sustainable development’.

The SDGs encourage the use of TRADE as a means of pursuing various goals.
Important multilateral trade agreements

Goods
- GATT
- Agreement on Agriculture
- Agreement of Application of Sanitary & Phytosanitary Measure
- Agreement on Technical Barriers to Trade

Services
- General Agreement on Trade in Services (GATS)

Intellectual Property
- Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS)
International Investment Agreements

Cumulative number of IIAs: 3324

UNCTAD. World Investment Report 2017
Emergence of the Mega Regionals

Trans Pacific Partnership Agreement (TPP)

Current TPP countries and 2013 estimated GDP per capita*

$1,896  Vietnam
$6,797  Peru
$10,429 Malaysia
$11,224 Mexico
$16,043 Chile
$39,321 Japan
$40,465 New Zealand
$40,804 Brunei Darussalam
$51,871 Canada
$52,839 United States
$52,918 Singapore
$64,157 Australia

*International Monetary Fund, World Economic Outlook Database, October 2013.
Regional Comprehensive Economic Partnership (RCEP)
UNESCAP 2016, Asia Pacific Trade Investment Report. ‘Asia Pacific Noodle Bowl’

Cacophony of trade
How might trade & investment affect health equity?

- Economic growth
- Access to knowledge, technology
- Health systems, including access to medicines
- Employment and labour standards
- Social infrastructure
- Health-related products/behaviours
Sales of Foreign Sugar Sweetened Beverages in Vietnam and the Philippines

Following Vietnam’s removal of restrictions on FDI, SSCB sales growth rate increased from 6.7% per year to 23% per year.

Vietnam projected to be one of the largest growth markets for Coca cola and Pepsico.
trade and investment agreements affect domestic policy making ‘behind the border’ through provisions relating to:

- Non-discrimination – on the basis of origin and ‘like products’
  - Trade in goods and services
  - Investment
  - Government Procurement
- Harmonisation and regulatory coherence
- Investor protection
Thailand Snack Food Labelling

Technical Barriers to Trade challenge

• 2006 Proposed Traffic Light System  X

• Proposed Warning Label  ✓

“Should take less, and exercise for a better health”
Challenged by tobacco industry in three forums:

- High Court
- WTO (Ukraine, Honduras, Dominican Republic)
- Hong-Kong Australia Bilateral Investment Treaty (challenge by Philip Morris Asia using an ISDS clause)
1. Trade sensitive health policy:
   - design of health policy measures to minimise incoherence with trade policy

2. Healthy trade policy:
   - use provisions/exceptions in existing trade and investment agreements
   - re-set trade rules - institutionalise cross-sectoral dialogue and public health representation in key negotiating forums
   - Institutionalise HIA
Policy making and implementation occurs in a ‘cauldron’ where ‘problems’, ‘politics’ and ‘policy processes’ are swirling around.

Actors, Ideas, Structures

- Guiding institutions
- Cohesion
- Leadership

Actors Power of...

Issue characteristics

- Indicators
- Severity
- Feasible solutions

Ideas that are influential

- Internal frames
- External frames

Political context

- Governance
- Policy Windows

Shiffman and Smith 2007; Shiffman 2009
Actors, Ideas, Structures

Guiding institutions
Cohesion
Leadership

Actors
Power of...
A contest of power

- Instrumental
- Structural
- Discursive
Power and influence in nutrition policy in Australia

Direct Relationships Between Interest Groups and Decision Makers

Share of direct access to decision-makers

Stakeholder Group

- Food Industry
- NGO: General Health
- NGO: Nutrition Specialist
- Academic: General Health
- Academic: Nutrition Specialist
- Govt: General Health
- Govt: Nutrition Specialist
- Politician / Advisor
- Journalist
- Public Figure
- Nutrition Specialist

Government Decision Makers
Political Decision Makers
AGGREGATED

Cullerton et al. Obesity Reviews 2016. 17,2: 1218-1225
Decade of Action on Nutrition

The April 2016 proclamation of the United Nations Decade of Action on Nutrition (2016–2025) provides a unique opportunity for stakeholders to strengthen joint efforts towards eradicating hunger and preventing all forms of malnutrition worldwide.

Action Areas:

1. Sustainable, resilient food systems for healthy diets;
2. Aligned health systems providing universal coverage of essential nutrition actions;
3. Social protection and nutrition education;
4. Trade and investment for improved nutrition;
5. Safe and supportive environments for nutrition at all ages; and
### Table III.4. Reform-oriented elements in IIAs – comparison of “old” and “new” BITs

<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>Preamble</strong></td>
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<tr>
<td>Refer to the protection of health and safety, labour rights, environment or sustainable development</td>
<td>1.1.2</td>
<td>8%</td>
<td>56%</td>
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<tr>
<td><strong>Definition of covered investment</strong></td>
<td></td>
<td></td>
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<tr>
<td>Expressly exclude portfolio investment, sovereign debt obligations or claims to money arising solely from commercial contracts</td>
<td>2.1.1</td>
<td>4%</td>
<td>39%</td>
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<tr>
<td><strong>Definition of covered investor</strong></td>
<td></td>
<td></td>
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<tr>
<td>Include “denial of benefits” clause</td>
<td>2.2.2</td>
<td>5%</td>
<td>58%</td>
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<tr>
<td><strong>Most-favoured-nation treatment</strong></td>
<td></td>
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<tr>
<td>Specify that such treatment is not applicable to other IIAs’ ISDS provisions</td>
<td>4.2.2</td>
<td>2%</td>
<td>45%</td>
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<td><strong>Fair and equitable treatment</strong></td>
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<tr>
<td>Refer to minimum standard of treatment under customary international law</td>
<td>4.3.1</td>
<td>1%</td>
<td>29%</td>
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<td><strong>Indirect expropriation</strong></td>
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<tr>
<td>Clarify what does and does not constitute an indirect expropriation</td>
<td>4.5.1</td>
<td>5%</td>
<td>42%</td>
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<tr>
<td><strong>Free transfer of funds</strong></td>
<td></td>
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<tr>
<td>Include exceptions for balance-of-payments difficulties and/or enforcement of national laws</td>
<td>4.7.2, 4.7.3</td>
<td>18%</td>
<td>74%</td>
</tr>
<tr>
<td><strong>Public policy exceptions</strong></td>
<td></td>
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<tr>
<td>Include general exceptions, e.g. for the protection of human, animal or plant life, or health; or the conservation of exhaustible natural resources</td>
<td>5.1.1</td>
<td>7%</td>
<td>43%</td>
</tr>
</tbody>
</table>
When structure meets collective agency

Doha Declaration on TRIPS and Public Health 2001

1. Evidence
2. Strategic framing
3. Circles of consensus: collective vision among developing countries
4. Broad-based coalition of states integrated with NGO networks


Image from P Drahos
• Technical regulatory instruments
• Political economy of health
• Contest of values
• Policy windows
Questions?

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