

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

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Political  
Commercial  
Economic



Power, Money and Resources

Daily Living Conditions

Empowerment

(Material, Psychosocial, Political)

Health  
Equity



‘**ENHANCE POLICY COHERENCE** for sustainable development’.

The SDGs encourage the use of **TRADE** as a means of pursuing various goals.

## SUSTAINABLE DEVELOPMENT 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)

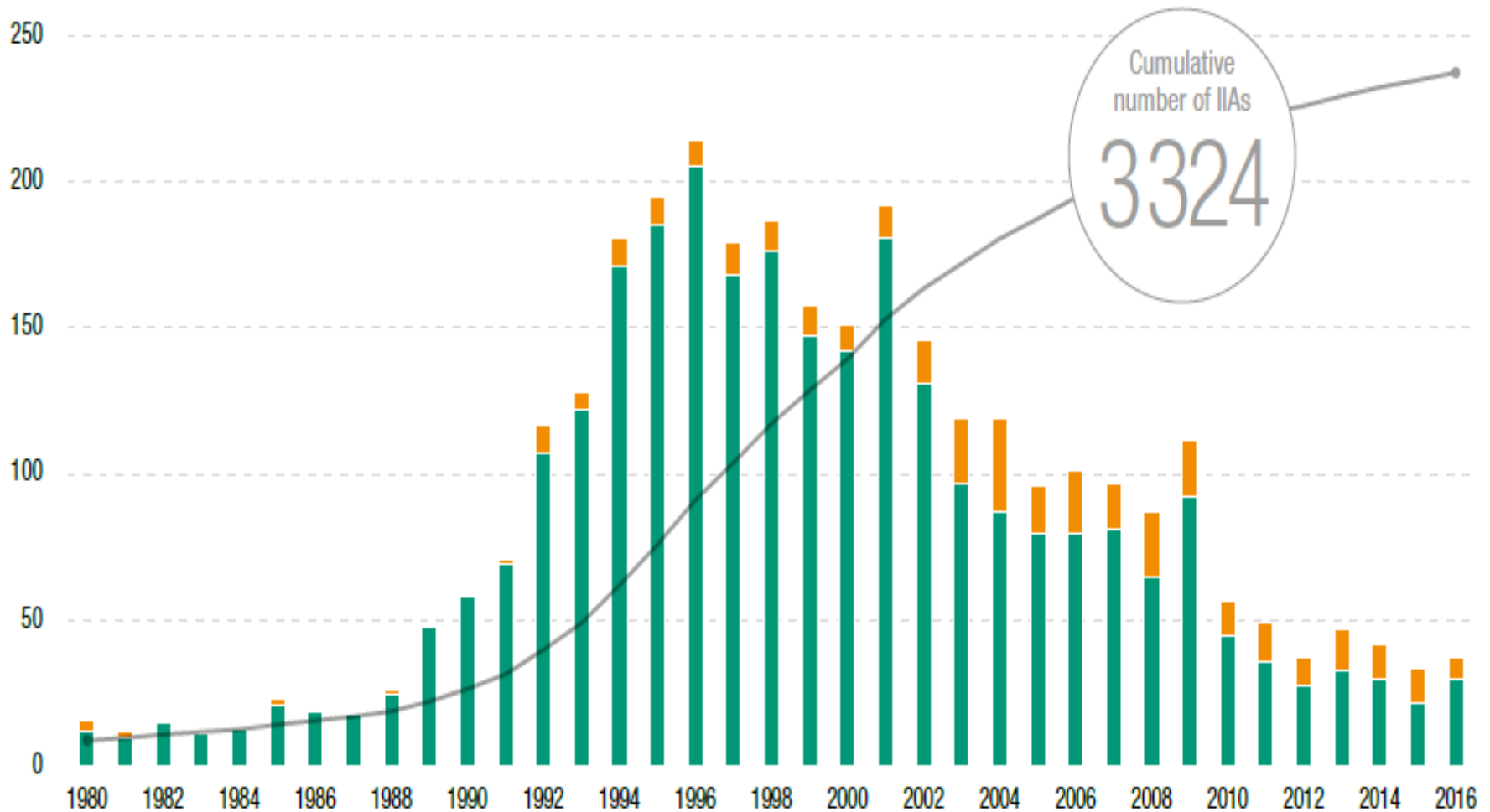
## **Intellectual Property**

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

# International Investment Agreements

Annual number of IIAs

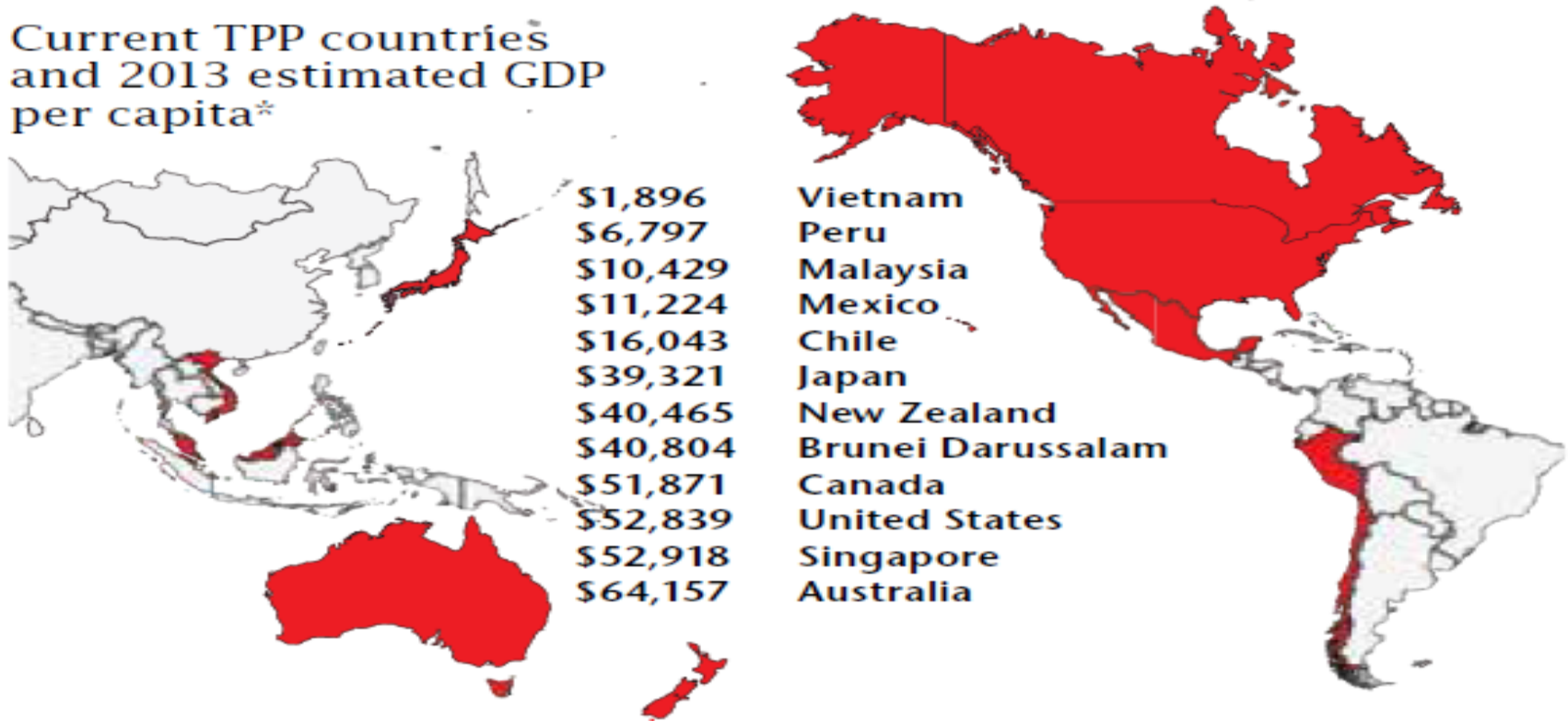
Annual BITs Annual TIPs All IIAs cumulative



# Emergence of the Mega Regionals

## Trans Pacific Partnership Agreement (TPP)

Current TPP countries  
and 2013 estimated GDP  
per capita\*

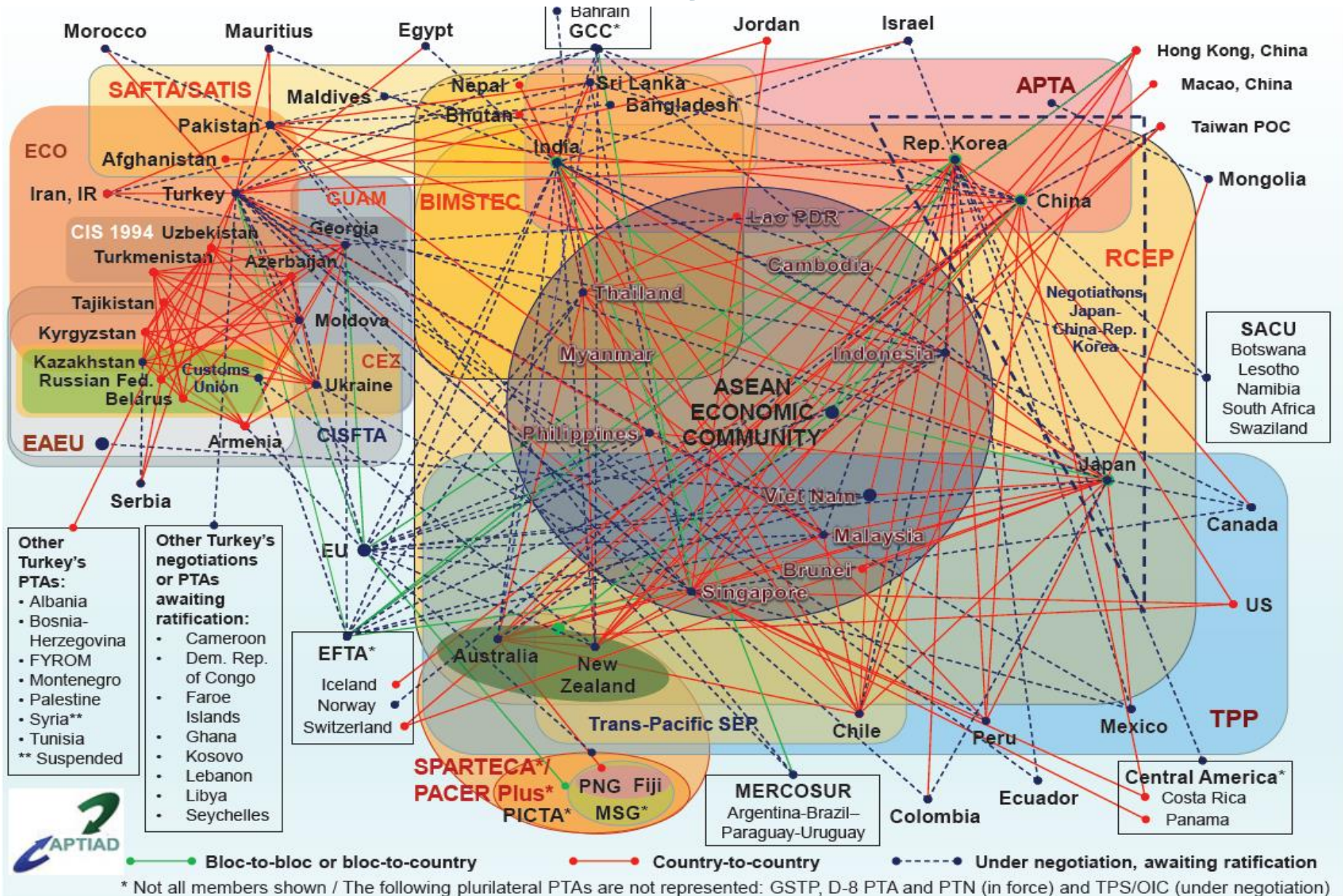


\* International Monetary Fund, World Economic Outlook Database, October 2013.

# Regional Comprehensive Economic Partnership (RCEP)



# 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

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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

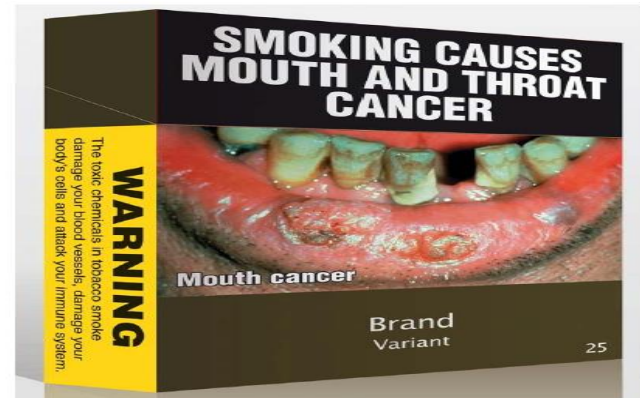
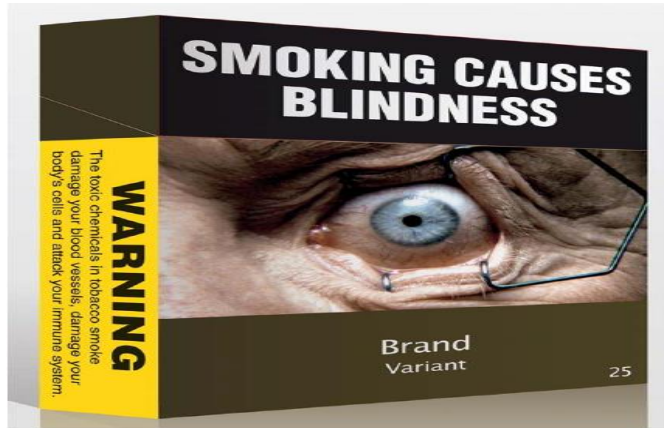
# Thailand Snack Food Labelling

## 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

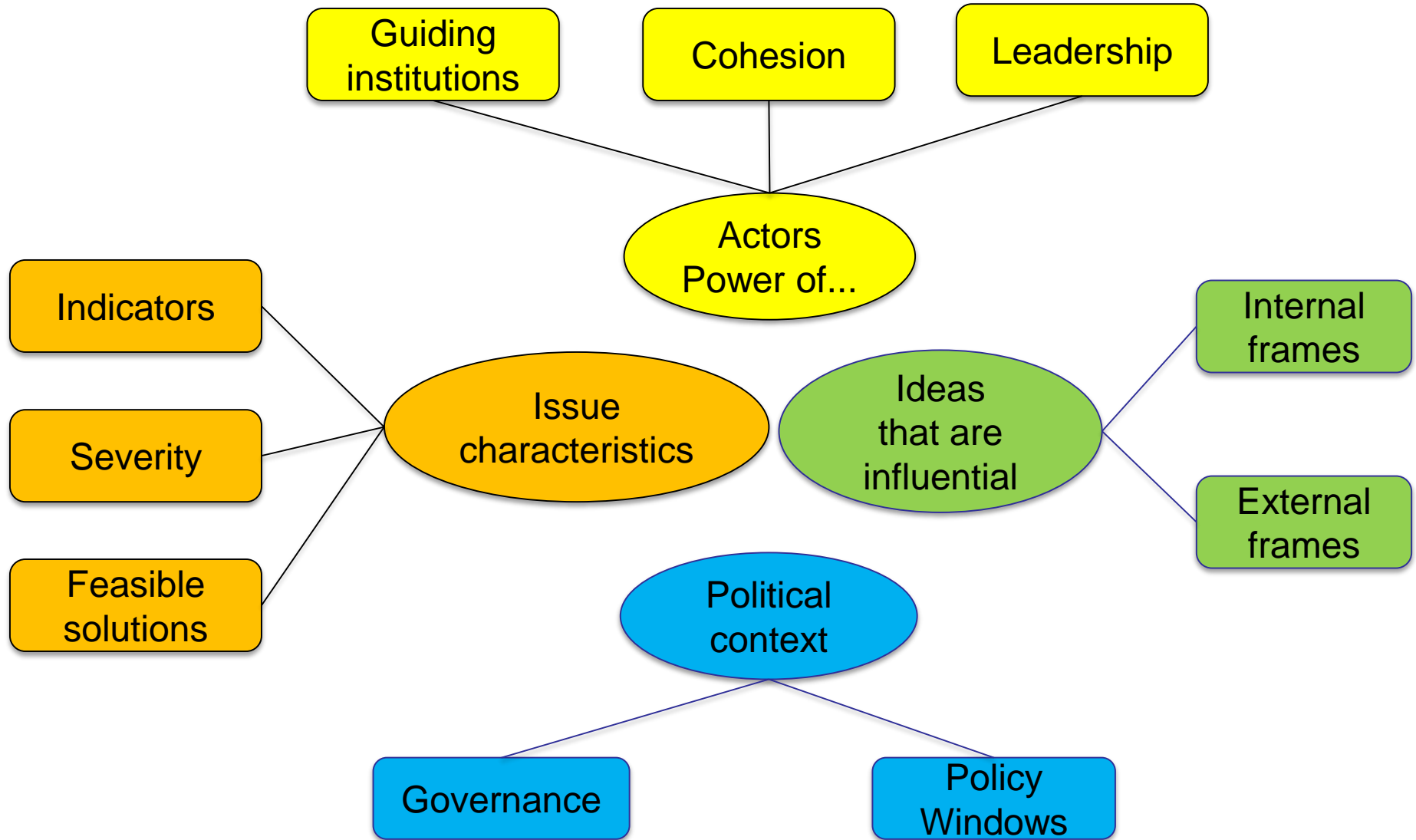
# But.....



Policy making and implementation occurs in a 'cauldron' where 'problems', 'politics' and 'policy processes' are swirling around



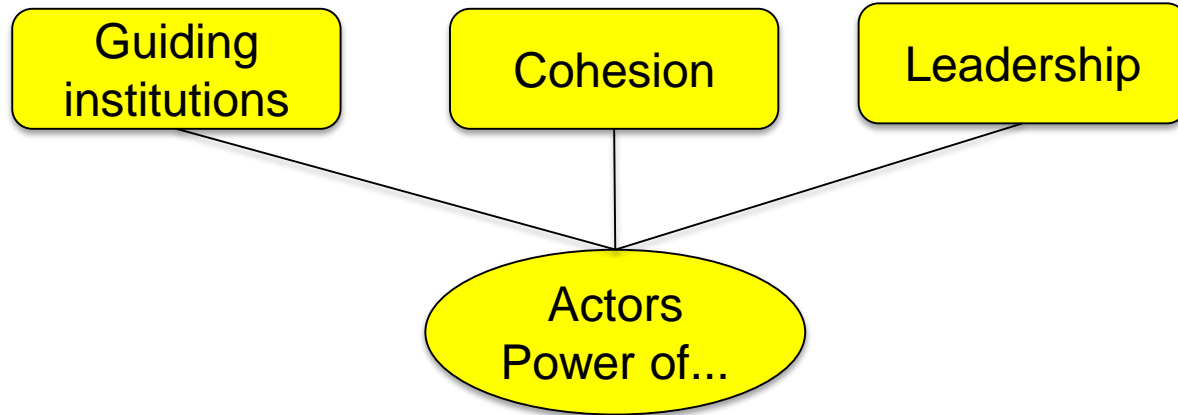
# Actors, Ideas, Structures







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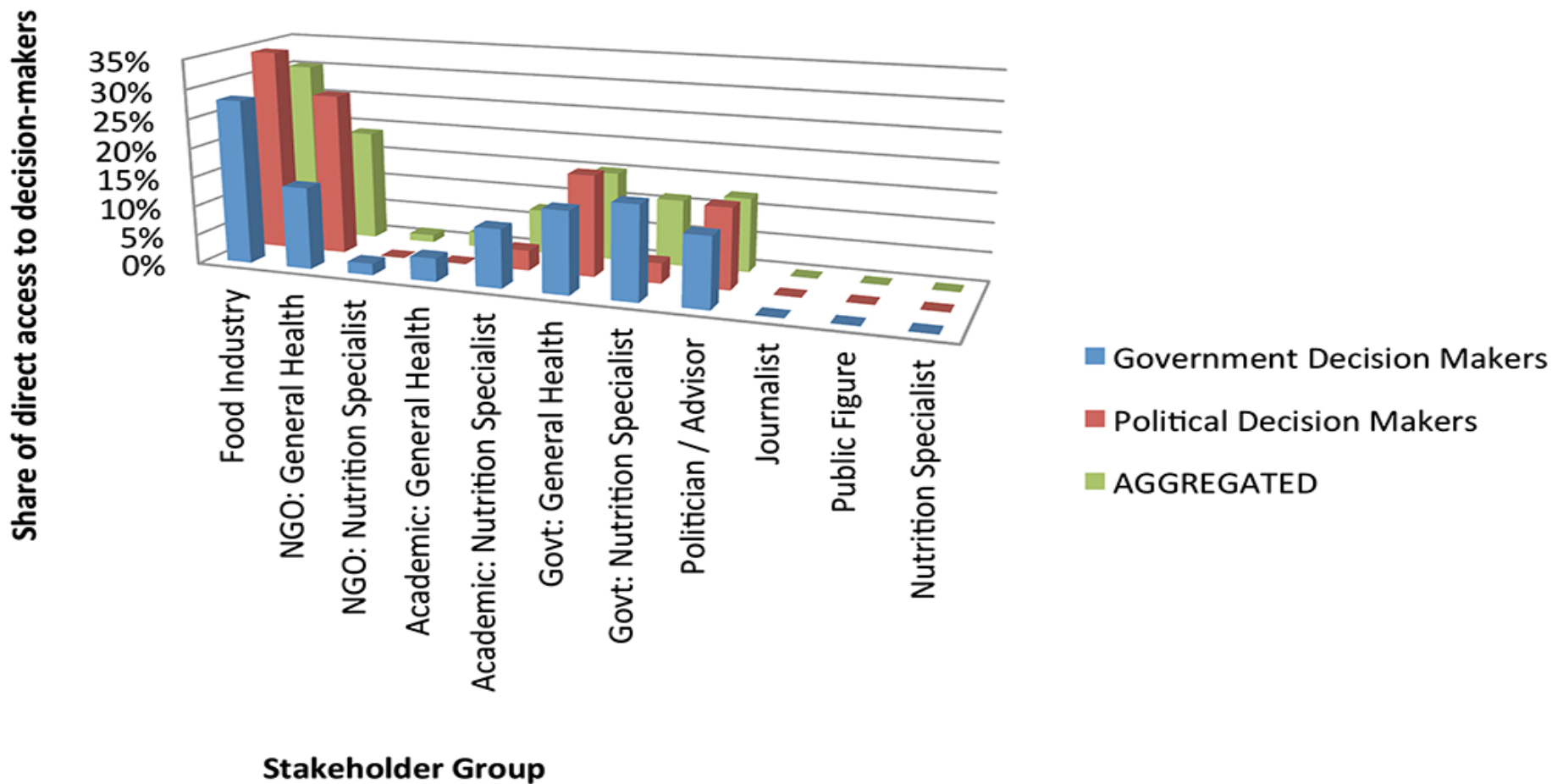


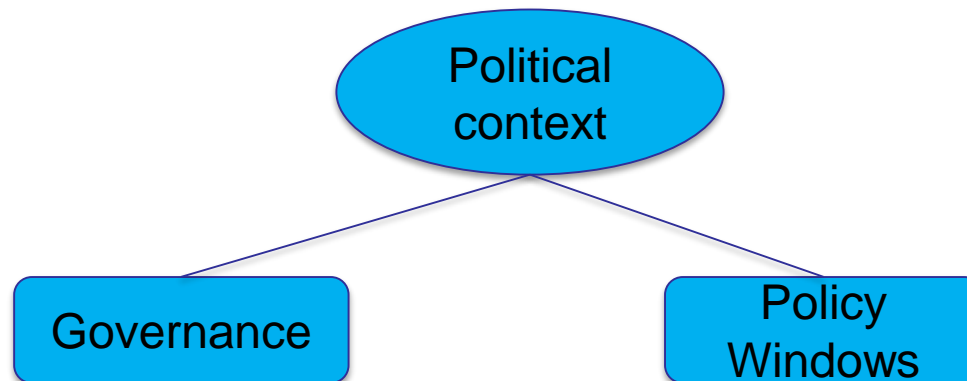
# A contest of power

- Instrumental
- Structural
- Discursive

# Power and influence in nutrition policy in Australia

## Direct Relationships Between Interest Groups and Decision Makers





## Decade of Action on Nutrition

### The April 2016 proclamation



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
- (6) Strengthened governance and accountability for nutrition.

# IIA regime reform underway

Table III.4.

Reform-oriented elements in IIAs – comparison of “old” and “new” BITs

Treaty provisions Options for IIA Reform	UNCTAD Policy Framework Option	Earlier BITs (1959–2010) (2,432)	Recent BITs (2011–2016) (110)
<b>Preamble</b> Refer to the protection of health and safety, labour rights, environment or sustainable development	1.1.2	8%	56%
<b>Definition of covered investment</b> Expressly exclude portfolio investment, sovereign debt obligations or claims to money arising solely from commercial contracts	2.1.1	4%	39%
<b>Definition of covered investor</b> Include “denial of benefits” clause	2.2.2	5%	58%
<b>Most-favoured-nation treatment</b> Specify that such treatment is not applicable to other IIAs’ ISDS provisions	4.2.2	2%	45%
<b>Fair and equitable treatment</b> Refer to minimum standard of treatment under customary international law	4.3.1	1%	29%
<b>Indirect expropriation</b> Clarify what does and does not constitute an indirect expropriation	4.5.1	5%	42%
<b>Free transfer of funds</b> Include exceptions for balance-of-payments difficulties and/or enforcement of national laws	4.7.2 4.7.3	18%	74%
<b>Public policy exceptions</b> Include general exceptions, e.g. for the protection of human, animal or plant life, or health; or the conservation of exhaustible natural resources	5.1.1	7%	43%

# 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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