

17 December 2010

The prevention of the impacts of free trade on well-being and society

The 3rd National Health Assembly,

Having considered the report on the prevention of the impacts of free trade on well-being and society,

Acknowledging and recognizing the intention, legislation and measures to prevent the impacts of free trade stated in the Constitution of the Kingdom of Thailand of 2007, the Statute of the National Health System of 2009, the 1st National Health Assembly's Resolution No. 1.2 (Universal Access to Medicines of Thai people) that was later developed into the policy and strategy for the development of a national medicine system, the 1st National Health Assembly's Resolution No. 1.4 (Participation of the People's Sector in the Free Trade Agreement Policies), the 2nd National Health Assembly's Resolution No. 2.5 (National Alcohol Policy Strategies), and the National Strategic Plan for Tobacco Control from 2010 to 2014;

Being concerned about the negative impacts of free trade on the products that affect well-being and society¹ such as alcoholic beverages and tobacco, concerned about intellectual property protection for merit goods namely medicines and health-related technologies and the inclusion of the goods into the list of general products under free trade agreements, concerned about loopholes in the free trade agreements that have been implemented as well as those that are or will be under negotiation; and

Recognizing the limitations of mechanisms and processes relating to free trade negotiation on the goods that have impacts on well-being and society and on relevant services, recognizing the limitations of integrated operations, participation, concrete implementation, the application of academic knowledge, and the process to enforce the resolutions of the National Health Assembly concerning free trade.

Therefore, the assembly resolves as follows.

¹ This refers to food security, natural resources, the environment, national budgets, household expenses, morality and cultures.

1. Requests the government and all sectors of Thailand to ratify that the impacts on well-being and society shall be placed important not less than economic interest in any process relating to international trade mechanism and to express their stance to prevent such impacts to the dialogue partners.

2. Requests the cabinet to assign and facilitate the Department of Trade Negotiations to immediately and successfully conduct the systematic and comprehensive health impact assessment (HIA) on free trade concerning goods, services, investment, intellectual property and others as well as on the present and future commitments that result and will result from being a partner of or being involved in negotiating the free trade agreements that have impacts on well-being and society in order to guide 1) free trade negotiations and 2) consideration by the parliament or organizations authorized to sign commitment documents in line with the Constitution of the Kingdom of Thailand. The assessment must meet the “Thailand’s Rules and Procedures for the Health Impact Assessment of Public Policies” under Section 25(5) of the National Health Act of 2007. In this case, representatives of a committee for the development of health impact assessment systems and mechanisms and a committee supporting studies and follow-ups on negotiations on the free trade agreements that have impacts on health and health policies will be nominated as members of a committee supervising the health impact assessment;

3. Requests the National Health Commission Office:

3.1 to request the cabinet to endorse the resolutions of the National Health Assembly and order concerned organizations to implement them;

3.2 to assign and facilitate the Department of Trade Negotiations to act in line with Resolution No. 2 and support the implementation of other relevant resolutions of the National Health Assembly;

3.3 to convince relevant governmental organizations such as the Ministry of Commerce, the Ministry of Foreign Affairs, the Ministry of Industry, the Ministry of Natural Resources and Environment and the Thai Health Promotion Foundation as well as academic organizations, the civil sector and the private sector to determine the kinds of products, services, investment, intellectual property and others that have impacts on well-being and society in the permanent exclusion list and the list subject to careful negotiation in order to guide free trade negotiations and to review the implemented trade agreements based on the health impact assessment according to Resolution No. 2 or other academic information that is recognized and has been discussed in detail by the National Health Assembly;

3.4 to publicize results from the forums in which health impact assessment is reviewed and present complete reports on health impact assessment according to Resolution No. 2 in line with the process and procedures stipulated in Clause 15 of the criteria and methods for health impact assessment of public policies;

3.5 to promote and support participation by relevant agencies, organizations and institutions such as the Ministry of Commerce, the Ministry of Public Health, the Ministry of Industry, the Ministry of Education, the Ministry of Natural Resources and Environment, the Ministry of Agriculture and Cooperatives, the private sector, and non-governmental organizations that are free of conflict of interest in relation to the implementation of this resolution; and

3.6 to conduct together with the Ministry of Finance, the Ministry of Commerce, the Ministry of Industry, the Ministry of Natural Resources and Environment, and the Ministry of Agriculture and Cooperatives studies on the reform of existing **rehabilitation** funds, especially on the sources of funds contributed by the beneficiaries of the free trade negotiations that have impacts on well-being and society and on the efficient fund management for the sake of affected people.

4. Requests the Department of Trade Negotiations:

4.1 to work out the frameworks for free trade negotiations that do not contradict the resolutions of the National Health Assembly as well as relevant national policies and strategies;

4.2 to coordinate governmental organizations and all parties relating to well-being and society to compile the kinds of products, services, investment, intellectual property and others that may have direct and indirect impacts on well-being and society for the assessment according to Resolution No. 2; and

4.3 to base free trade negotiations on the precautionary principle when there is limited academic information especially about negative impacts on well-being and society and refrain from making any commitment with any dialogue partner until academic information resulting from studies as mentioned in Clause 2 confirms those negotiations do not create any impact.

5. Requests Secretary-General to the National Health Commission:

5.1 to organize an issue based health assembly to consider criteria and methods for health impact assessment (HIA) that will be applied to designate the kinds of products, services, investment, and intellectual property in the process of free trade negotiations; and

5.2 to follow up the implementation of these resolutions and report findings to the 4th National Health Assembly in 2011 and continue to report them in every other year afterwards.