

Health Care and International Trade and Investment

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Introduction

The hypothesis explored in this chapter is that, since the 1990s, United States multinational corporations with the assistance of organs of the United States (such as the US Trade Representative) have been utilising trade and investment agreements to create strategic tensions in the regulatory framework of health care service delivery in other nations, primarily to enhance the profits they receive. A related hypothesis is that this is likely to create traumas for Australian patients, their families and friends as well as providers of health services – for example, by raising medication costs, decreasing medication safety regulation, and creating pressure to defund and privatise public health services.

The election as United States President in November 2016 of a billionaire with a history of corporate bankruptcy and television celebrity status, but no experience of government, might have been viewed as the apotheosis of the neoliberal market-state or military-industrial complex. Yet one of President Trump's first official acts was to acknowledge rising anger in middle class United States citizens against trade and investment agreements. He withdrew the United States from the Trans-Pacific Partnership (TPP) trade and investment agreement chiefly over concerns that it would further erode jobs in the United States, but also fears it would increase the cost of health care. Mechanisms by which it might do this included provisions that increased pharmaceutical patent terms, reduced the effectiveness of science-based reference pricing of pharmaceuticals and made it more difficult for citizens (collectively through their government) to fund health care through taxes.

Central to the vision of society that seeks to establish itself as a meeting place that nurtures values beyond self-interest is that it be characterised by the virtues of justice, fairness and environmental sustainability. The creation of such virtues requires consistent application, despite obstacles, of principles that can be applied by most citizens in most situations for the benefit of all. For present purposes, it should be noted that many of these principles have crystallised as norms of bioethics, health law or international human rights of individuals, families or communities to be treated appropriately when suffering illness or desiring to prevent it. One such emerging principle (reflected in international conventions sponsored by the United Nations as well as the constitutions of many nations) is that humanity should strive to ensure that not just its own members, but all the life forms on earth over which it is steward, have

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