

## **SESSION 2.2: Trade in health products: implications to health in ASEAN**

**DATE/ TIME: Tuesday 19 November 2019 at 13.30-14.45 hrs (75 minutes)**

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**LEAD SPEAKER:** Professor Andrew Mitchell,  
Melbourne Law School, University of Melbourne, Australia

### **PANELISTS:**

1. Mr. Roger Kampf, Counsellor, Intellectual Property Division, World Trade Organization
2. Ms Sanya Reid Smith, Third World Network

**MODERATOR:** Ms Kannikar Kijtiwatchakul, FTA Watch

### **CONCEPT NOTE**

ASEAN both as a region and at a country level have signed and are in the negotiation for a number of trade agreements such as the Regional Comprehensive Economic Partnership (RCEP), and other bilateral FTAs. At the same time, the member states are committed under the multilateral trade agreements under the World Trade Organisation (WTO).

Session 2.1 discusses health service liberalization and impacts on health. This session aims to stimulate discussion on trade in products related to health such as medicines, medical devices and food as well as products that may be harmful to health (e.g. and tobacco) as to what extent it has implications on health in the ASEAN Region. It will also discuss how countries can avoid trade barriers while ensuring public health protection and how to take advantage of trade agreements to improve health.

The issues to be covered under this session may include:

1. Trade in health-related products - implication to health
2. Regulation and management of health-related products - implication to trade
3. Will investment provision limit public health policy space? (Including Investor-State Dispute Settlement (ISDS), investor protection)
4. Ensuring safety of health products and food in ASEAN region

**Lead speaker:**

**Professor Andrew D Mitchell**

Melbourne Law School, University of Melbourne, Australia



Andrew is Professor at Melbourne Law School, Director of the Global Economic Law Network, Director of Studies (International Economic Law) in the Melbourne Law Masters, and a member of the Indicative List of Panelists to hear WTO disputes. He has previously practised law with Allens Arthur Robinson (now Allens Linklaters) and consults for States, international organisations and the private sector. Andrew has taught law in Australia, Canada, Indonesia, Singapore, and the US and is the recipient of four major grants from the Australian Research Council (including a Future Fellowship) and the Australian National Preventive Health Agency. He has published over 140 academic books and journal articles and is a Series Editor of the Oxford University Press International Economic Law Series, an Editorial Board Member of the *Journal of International Economic Law* and a General Editor of the *Journal of International Dispute Settlement*. He has law degrees from Melbourne, Harvard and Cambridge and is a Barrister and Solicitor of the Supreme Court of Victoria.

**Panelist:**

**Mr. Roger Kampf**

Counsellor, Intellectual Property Division, World Trade Organization



Mr. Roger Kampf is from Hamburg, Germany. He joined the World Trade Organization in May 2004 and works as Counsellor in the Intellectual Property, Government Procurement and Competition Division.

Mr. Kampf is responsible for the Secretariat's work in the area of TRIPS and public health and IP enforcement. He also oversees the Division's technical assistance activities in relation to intellectual property. From 2016 to 2018, Mr. Kampf has been the Secretary of the Council for TRIPS.

From 1998 to 2004, Mr. Kampf worked for the European Commission at its headquarters in Brussels and at the permanent representation in Geneva, where he was responsible for intellectual property issues in WTO and WIPO, as well as for government procurement. Prior to this, he was involved in negotiations on financial services under the GATS Agreement, and also worked as an assistant in public law and European Communities law at the University of Hamburg.

Mr. Kampf holds a law degree from the University of Hamburg and a degree in public administration from the Ecole Nationale d'Administration in Paris. He has published on various aspects of EC and WTO law.

**Panelist:**

**Ms Sanya Reid Smith**

Legal advisor and senior researcher, Third World Network



Sanya Reid Smith is a legal advisor and senior researcher at Third World Network (TWN). She analyses the implications of trade rules at the World Trade Organization (WTO) and in free trade agreements (FTAs) such as the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, the Regional Comprehensive Economic Partnership (RCEP), European Union FTAs, and European Free Trade Association FTAs for a variety of policies including health. She attended 27 rounds of the Trans-Pacific Partnership (TPP) negotiations and 17 rounds of RCEP negotiations as a stakeholder and gave stakeholder presentations to TPP and RCEP negotiators. TWN is a grouping of organisations and individuals involved in development issues. Its international secretariat is in Malaysia and it has offices in various regions, including in Geneva where she works

**Moderator:**

**Ms. Kannikar Kijtiwatchakul**

FTA Watch



Kannikar Kijtiwatchakul has no medical background but journalism. Among NGO communities, she is a campaigner on Intellectual Property Right and Access to Medicine, Drug System Monitoring and Development Program, Chulalongkorn University and also an active member of FTA Watch, Thailand; a coalition that monitoring and campaigning on free trade negotiations that have severe socially effected. Last year, FTA Watch held a meeting called ‘Global and Regional Investment Policy: Implications on Thailand and ASEAN’ and produced a clip video explaining ISDS.

In journalism, she writes a monthly column called Itchy World in Way Magazine. Besides, she hosts a radio newscast called ‘Chao Tan Lok’ (Morning World Review) on FM 96.5 MHz featuring reporting and commentaries on world news. Here she earns a reputation for her remarkable ability to make such difficult issues like global affairs, medicine patents in particular, immediately accessible to her audiences.

She wrote several books and articles on access to medicine and intellectual property issue as “Drug Patent: Rich People’s Darling” (2005) and “The Right to Life” (2007). She is also a co-author of “Sustaining Access to Antiretroviral Therapy in Developing Countries: Lessons from Brazil and Thailand” published in AIDS 2007.