

English Translation Version

February 28, 2013

Your Excellency, Ms Yingluck Shinawatra, Prime Minister of Thailand

Regarding your upcoming visit to Brussels on March 6-7, together with the delegation, for the first round of the Free Trade Agreement's negotiation between Thailand and the European Union (EU), and the government's rapid timeframe to complete the negotiation within 10 rounds of the negotiation in 1.5 years before proposing the agreement to the Parliament for approval and in time before the generalized system of preferences (GSP) will be expired in 2014, FTA Watch and 28 organizations, including civil society organizations, academic groups, people's organizations, and non-government organizations, have constantly raised our concerns and recommendation to relevant government agencies and your government.

The Free Trade Agreement (FTA) between Thailand and the EU will cover several matters that have never been discussed in other FTAs before. All those matters, including intellectual property in medicines and biodiversity, foreign investment's protection and arbitration for international dispute settlement between state and the private sector, and goods harmful to health (e.g. alcohol and cigarette), have severe impacts in diverse aspects. Thus, it is compelled to attain the Parliament's endorsement and to pursue consultation process according to the Constitution's Section 190.

However, all the procedures – the public's consultation, the negotiation's preparation, the negotiating framework's drafting, and the consideration by the Cabinet and the Parliament, were riddled with flaws. So does the negotiating framework's content. Several concerns over long-lasting adverse effects to the society and the damage of over hundred billion Baht to the national budget were neglected. Instead, the government pays more attention to the GSP's expiration, which is a short-term benefit and is limited to a small number of privileged business groups and it costs merely 80,000 million Baht.

To ensure that the whole nation will truly achieve the benefits out of the FTA between Thailand and the EU by recognizing the justice to be given to the people who get benefits and the other who are adversely affected by the FTA and also people in general, in accordance with your democratic government's policy declared before the Parliament, we are demanding Ms. Yingluck Shinawatra, the Prime Minister, and Mr. Olarn Chaipravat, Head of the Thai Delegation of the Thailand-EU FTA negotiation, to give the social commitment that the delegation of the Thailand-EU FTA must have the firm negotiation's positions that:

1. Thailand shall not accept the content of the Thailand-EU FTA negotiation on intellectual property that is stricter than the World Trade Organization's TRIPS Agreement, which is known as TRIPS-plus provisions including patent term extension, data exclusivity, and border measures. And, the existing biodiversity protection law, that is already complied with TRIPS Agreement and Convention on Biological Diversity, must remain unchanged.
2. The international dispute settlement mechanism in the investment chapter must not be applied to the disputes over social investment, policy enforcement and legislation

to safeguard the public's interests, environment protection, and policies on public health, infrastructure, and security by, using the international arbitration.

3. Investments affecting natural resources, farming, aquaculture, plant propagation, and food security, shall not be freed.
4. Alcohol and tobacco must be removed out of the negotiation.
5. Consultation with all the stakeholder sectors' participation shall be carried out prior to and after every round of the negotiation. In the consultation meeting, the negotiation team must also declare the positions and the progress of the negotiation, and take recommendation from the stakeholders' consultation into account and comply with the recommendation by balancing different interests of all the stakeholders.

All the undersigned organizations would like to reiterate that Ms. Yingluck Shinawatra, the Prime Minister, and Mr. Olarn Chaipravat, Head of the Thai Delegation of the Thailand-EU FTA negotiation, should take the adverse impact of the FTAs on the entire nation and all Thais into consideration carefully. It is your accountability, that you are negotiating on behalf of the Thai people and the next generations, to ensure the nation's benefits of Thai citizen will be not traded away for the interests of limited number of the private sector's groups.

Yours sincerely,

Asst. Prof. Sumlee Jaidee

FTA Watch

The Thai Network of People living with HIV/AIDS (TNP+), Stopdrink Network, Alternative Agriculture Network (AAN), Assembly of the Poor , 4 regions of Slum Network, Renal Failure Patient Group , Cancer Patient Group, Thai NGO Coalition on AIDS , AIDS ACCESS Foundation, Foundation for AIDS Rights, Foundation for Consumers, Rural Pharmacists Foundation, Rural Pharmacy Association, Drug Study Group, BioThai Foundation, Ecological Alert and Recovery – Thailand (EARTH), Thai Holistic Health Foundation, Labor Alliance Group, Alcohol's Danger Protection Campaign Network , The Network of Community Affected by Alcohol, The Network of the Alcohol's Danger Surveillance in Bangkok, The Youth Network of the New Drinkers' Protection, Harm Reduction Working Network (12D), Southeast Asia Tobacco Control Alliance (SEATCA), Focus on the Global South

cc: Mr. Boonsong Teriyapirom, Commerce Minister

cc: Dr. Olarn Chaipravat, Head of the Thai Delegation of the Thailand-EU FTA Negotiation