

กลุ่มศึกษาข้อตกลงเขตการค้าเสรีภาคประชาชน

125/356 ม. 3 หมู่บ้านนาทวีป ซ.1 ถ.รัตนวิเบศร์ อ.เมือง จ.นนทบุรี 11000 โทร 02-985-3837 ถึง 8 โทรสาร 02-985-3836

email: info@ftawatch.org www.ftawatch.org

19 September 2013

Dr Olarn Chaiprawat
Head of the Trade Negotiation Team
Thailand

Re: Free Trade Negotiations between Thailand and European Union

Dear Dr Olarn Chaiprawat

FTA Watch and civil society, which comprises 28 academic institutions, NGOs and private organizations that have been following the free trade negotiations would like to express our sincere appreciation for the Head of the Negotiation Team, Dr Olarn Chaiprawat and the negotiation team which have not ignored the concerns put forward by civil society prior to the commencement of FTA negotiations with the European Union, and have decided to stand up for the public benefit. In particular, we appreciate the team's public confirmation that Thailand will not accept into the negotiations any terms that go beyond the terms of the TRIPs Agreement of the WTO, on the subject of the issues related to medicines or biological resources, to avoid creating impacts for the public health system and for the health of the Thai people, and to prevent the impacts which would arise for the farmers and food security of Thailand

However, civil society organisations still require a clear statement of the position of the negotiation team on the following matters:

1. On the issue of alcoholic beverages, even if they will not be discussed in this round of negotiations, civil society would like a public confirmation from the Head of the Thai Negotiation Team of its position on preventing a Free Trade that opens the door for the promotion and stimulus for an increase in numbers drinking at younger ages, as well as maintaining measures and policies that care for the health of the people.

2. On the protection of investment which opens the opportunity or the investors to sue through International Arbitration, the Head of the Investment Negotiation Group (Director General of the Foreign Trade, Ministry of Foreign Affairs) has announced that Thailand will use the framework for negotiations to promote and protect investment that was passed by Parliament on 8 Sept 2010, with the following important contents: necessary and appropriate measures to preserve public goods, such as the environment, public health, maintenance of the balance of payments, and macro-economic policies, must be excluded and should not be allowed to constitute the basis of a lawsuit. The investment protection regime should not protect investments that do not have real economic activities, and should only protect investments post-establishment. Is the Head of the Negotiation Team ready to defend this position, and if so please clarify how?

3. On the issues of important government procurement related to security in terms of health, consumer welfare, and social welfare should be excluded from the negotiations since these basic services are essential for the quality of life and livelihood of the people. The state has a duty and a direct responsibility to reserve and promote these basic services so that the country can be self-sufficient over the long term. Good governance and transparency should be managed through genuine investigation and enforcement of national laws. However if good governance will be included in the negotiations, then the rights and the powers of the state to implement government procurement policies to secure consumer protection and social welfare must be preserved. What will be the approach of the Head of the Negotiation Team on these matters during the negotiations?

Civil society groups are fully confident that the Negotiating Team under the leadership of Mr Olarn Chaiprawat in the name of the democratically elected government of The Prime Minister Yingluck Shinawatra, which has placed great importance on the quality of life of people on low incomes, will undertake negotiations in a comprehensive manner to prevent negative impacts for people on low incomes, and will strongly negotiate for the maximum national benefit and every group in society.

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, Sating Pra Peninsula Food Security Network,
Seed Exchange Network, Farmer Council, P-Move Renal Failure Patient Group ,
Cancer Patient Group, Thai NGO Coalition on AIDS , AIDS ACCESS Foundation,
Foundation for AIDS Rights, BioThai Foundation, Thai Holistic Health Foundation,
Foundation for Consumers, Rural Pharmacists Foundation, Rural Pharmacy
Association, Drug Study Group, Ecological Alert and Recovery – Thailand (EARTH),
Labor Alliance Group, Alcohol's Danger Protection Campaign Network ,
The Network of Community Affected by Alcohol, Focus on the Global South
The Network of the Alcohol's Danger Surveillance in Bangkok,
The Youth Network of the New Drinkers' Protection,
Harm Reduction Working Network (12D)

Co-ordinator Jacques-Chai Chomtongdee 084 655 0666