**BRIEFING PAPER**

**CHALLENGES CONFRONTING PETRA**

**Introduction**

* PETRA has been tasked with producing a research and development manifesto to explore how international trade can improve human health and prevent non-communicable diseases (NCDs). The framework needs to identify both short and long-term research and development priorities that will be most critical and useful to informing policy users on the implications of future trade and investment agreements on the public's health and wellbeing. As part of this mission, PETRA has commissioned thirteen position papers, a series of on-line resources including webinars and videos as well as a two-part systematic literature review. With the purpose of furthering the development of the framework, PETRA organised a Sandpit Exercise in June 2021[[1]](#endnote-1), attended by 47 participants from academia, the policy sector, the third sector and funding bodies.
* This briefing paper explores the challenges for PETRA that have emerged in developing an R&D framework as evidenced in its commissioned work to-date but also those that were perceived by participants during the Sandpit Exercise. Central to the PETRA mission is to understand the interface at the intersection of trade and health but, more than that, it is to grasp where, at what point and in what way PETRA is able to be effective in raising the profile of health in trade deals, ensuring health is an active equal partner at the negotiating table rather than a commodity to be traded or even as an exception.
* Despite its stated mission, it was evident from discussions that there was a lack of clarity on the part of Sandpit participants as to the extent and limitations of the remit of PETRA and the demarcation lines between what it might be able to, or could, do. In part, this seemed due to the composition of the Sandpit attendees and the broad spectrum of perspectives, knowledge and experience of trade and health present. Within this context, nonetheless, discussions tended to reflect many of the challenges which appeared to have hampered PETRA’s progress to-date. These include the extent to which its purpose is to build the appropriate academic community and/or address the unintended consequences of trade on health, the siloed nature of trade and health, and the weak alliances between professionals and sectors.
* Undoubtedly across discussions at the Sandpit Exercise there was a feeling that the work of PETRA was timely and had a definite urgency given the on-going trade negotiations post-Brexit. There was also awareness that there may be a rush to re-negotiate roll-over agreements as well initiate new deals that may be needed for economic recovery in the aftermath of COVID-19 as well as Brexit which may, in turn, mean that both public and health scrutiny are more likely to be rushed or by-passed altogether. Certainly, the impact of Trade and Investment Agreements (TIAs), the most likely form of new trade deals, on health can be wide-ranging, both positively and negatively,[[2]](#endnote-2) [[3]](#endnote-3) and this is likely to be further impacted by the mechanism of Investor State Dispute Settlements (ISDS), in which disputes are settled through ad hoc arbitration panels whose members may not have the appropriate health expertise or sympathy for public health regulation[[4]](#endnote-4) [[5]](#endnote-5). Thus, understanding where, when and at what point PETRA might play a critical role in ensuring that all the possible opportunities to ensure health was a priority not to be overlooked was challenging. It was of concern, therefore, that possibly because of the particular range of experience and professional backgrounds of participants and the lack of time available, it was not possible at the Sandpit Exercise to discuss the intricacies of trade deals in-depth. Nonetheless, it did provide an opportunity to allow a range of topics to surface requiring further scrutiny and exploration.
* In the fast-moving and fluid world of trade negotiations the UK, however, faces a number of distinct difficulties. It is likely to be, for example, at a comparative disadvantage in trade discussions since, as a result of having been a member of the EU, it has had little experience of negotiating[[6]](#endnote-6) over the last 50 years; the challenge will be when the UK tries to negotiate with more powerful countries who have had more experience in trade deals, such as in the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)[[7]](#endnote-7). Bi-lateral Agreements (BITs) may be the most likely form of trade negotiations for the UK following Brexit but they are susceptible to power imbalances and may well lead to greater liberalisation of harmful products and stronger enforcement mechanisms than within the WTO regulations[[8]](#endnote-8).
* As noted by a good many discussions at the Sandpit, not only are negotiations clouded by opacity but members of the health community are unlikely to be sitting at the negotiating table in contrast to those from industry and corporate players[[9]](#endnote-9). It would, though, not be enough simply to be at the table but to know how and in what way it may be best to contribute to discussions. Whether this would be a question of providing appropriate evidence in advance, an expert knowledge base, providing a blueprint for an ideal trade deal or ideal regulation, or even a checklist for health may be further complicated by the fact that every trade agreement will encompass a range of competing interests and each has to be looked at individually. Moreover, given the available range and multiplicity of agreements, industry may lobby governments to ensure that the most appropriate legislation for their interests is pursued[[10]](#endnote-10).
* Given that for the government to become more transparent, it may jeopardise the delicate nature of negotiations, it will be challenging to detail what transparency in negotiations might look like. There was undoubtedly a gap in knowledge as to the process of trade negotiations and how and in what way deals are made as well as the nature of the protagonists. Moreover there was the potential of a further tension in the need for having an overarching strategy towards health in trade agreements and the need to recognise that individual trading partners may have different imperatives and priorities as to how they are framing the purpose of any specific agreement. This also has to be seen against the backdrop of the uncertainty of government policy with evidence of trade deals that are being concluded that seemingly negate or downplay the ambition of supporting public health.[[11]](#endnote-11)
* Grappling with these difficulties, NGO representatives at the Sandpit stressed there had been repeated attempts to lobby parliamentarians over the last few years for greater clarification. The debate at the event discussion thus only served to underline the siloed nature of different sector involvement and the need for greater collaboration. This also appeared to be the case in response to the presently perceived inadequacy of appropriate governance in trade negotiations and agreements with a plethora of new departments and committees which will undoubtedly have implications for health and health equity[[12]](#endnote-12) [[13]](#endnote-13). Some participants clearly felt that if PETRA were seeking involvement in this sphere, then it would be important not to reinvent the wheel but to consider what alternative approaches or mechanisms there might be to counteract the implications.
* It has been argued that an understanding of the relationship between health, trade and the economy has to be a starting point and a prerequisite for the development of any strategy. [[14]](#endnote-14) In general, trade is seen as an end in itself rather than as a means to achieving improved health, wellbeing and economic sustainability with a tendency for the relationship in international trade agreements to be conceptualised on a rule/exception basis[[15]](#endnote-15). If it is not acknowledged that health and, likewise, trade, is both an investment and an economic asset then it may make it harder to influence appropriate policies. There was, too, a body of opinion at the Sandpit Exercise that both underlined and questioned the tension between trade, given its potential positive effect on the economy, and the accompanying need to stem the flow of unhealthy products such as alcohol, tobacco and unhealthy food and the rise of NCDs.
* The complexity of the link between NCDs and trade negotiations raises a further challenge for PETRA; Sandpit participants queried whether PETRA should develop a wider role and include mental health as well as broader determinants of health such as pollution, climate change, the environment, planetary health, animal welfare and so on. Equally there was a view aired that PETRA might concentrate on services such as gambling, digital marketing and social media since they were of equal importance to goods. Attention was also drawn to the United Nations Sustainable Development Goals (SDGs)[[16]](#endnote-16) thus further extending PETRA’s remit.
* The need for closer links between the silos of the Department of Health and Social Care and the Department of International Trade was considered paramount but it additionally demands a whole of government approach, working across the disciplines of public health, economics and law[[17]](#endnote-17). Inherent in this is the difficulty but necessity of strengthening public health literacy among parliamentarians. Ensuring an understanding of both trade and health is held by both respective communities should not be underestimated[[18]](#endnote-18) and there have been repeated calls for inter-disciplinary work, not least to grapple with the health and trade interface. Public health has to be convinced of the complexity and value of a law-based response that might address major public health challenges. Although the challenge of up-skilling among both trade and health experts was very much acknowledged during discussions with the possible onus on PETRA to develop and facilitate such sustainable relationships and funding, the reality of joint working was clouded by different academic frameworks within the two disciplines accompanied by difficulties of language and terminology.
* Clearly, too, there appeared to be a need to blend both academic and non-academic research but it was queried at the Sandpit as to whether academics were necessarily the right group to frame the research in a way that might resonate with politicians or trade policy actors. Collaboration, though, might also involve a range of stakeholders including political lobbyists and strategists, trade unions, technical advisers and commercial actors. Working with the latter, nonetheless, may invoke conflict of interests and their responsibility may be to their shareholders thus making it harder to find common ground. Critical, however, was for the third sector to be involved given their wide experience in advocacy and lobbying and in providing an opportunity for PETRA to work with those organisations that had been campaigning on trade issues for some considerable time. For PETRA to find and negotiate the appropriate collaborative relationship as an academic and research funded body may prove challenging given the differences in the nature of the work and of the approach, but it will be imperative to set its work against a landscape that is both collaborative and explorative.
* Linked to this discussion was an expressed need for there to be greater collaboration with the public. In the first place, there was a demand for greater public awareness of trade negotiations with the accompanying argument that the time was ripe to capture the public interest given the present focus on health and wellbeing and the environment[[19]](#endnote-19). Public support might put necessary pressure on the politicians for public consultation although NGO representatives at the Sandpit did point out that there already had been campaigns for this but that what was needed was for a far stronger social movement to take root. Part of this would require technical arguments to be translated for public consumption but more imperative was the need for a perspective on the nature and the level of public knowledge and an understanding of the range of views. The predominant view was that a series of Citizens' Juries should be run but, given the complexities of this research methodology, the challenge remained as to how these might be framed, their purpose and to whom the findings might be disseminated.
* A further key outcome of the Sandpit Exercise was a call to create a database of trade agreements and to map the evidence to date, identifying where there were both positive and negative outcomes. Given that each TIA is unique, it would not be possible to make general statements and there was no easy alternative to undertaking thorough analyses of each one. It would equally be a challenge to monitor whether a particular provision in a trade agreement had had a direct impact on public health. Moreover, analysing trade deals was only possible retrospectively although a more prospective stance may be possible if there was greater integration at the policy level.
* Underpinning this discussion is the further question of the extent to which further research is needed. Although it was both acknowledged that it may not be a question of necessarily undertaking more research but rather more usefully focusing on the translation and dissemination or knowledge that already exists , it was pointed out by NGOs present that a good deal of their focus had in fact been working with researchers to enable reframing research for policy makers. Above all, academic work does not tend naturally to dovetail with policy agendas in terms of appropriate and effective messaging let alone timing. Further, the purpose of any research would be paramount, ensuring it is framed appropriately for a particular audience or different audiences.
* Despite a general lack of clarity as to where the focus of new research should be, there remained a need for a research framework, prioritisation of topics and, for example, an exploration of where trade has had positive or negative effects on health. It may be possible to explore EU case studies or some of the more infamous international examples such as Australia and plain packaging but again this would be complicated by the fact that all trade deals are unique. Monitoring trade agreements on an on-going basis exploring their impact on health, including examining the impact of the Internal Market Act and its effect on the devolved nations, was also considered a viable option. On the other hand, it would be challenging to investigate, for example, the unintended consequences for trade if public health matters are considered and integrated in a trade deal at any substantive level. Nonetheless, there was an acknowledgement that new research might have an impact on subsequent and future deals.
* There was, too, a strong body of opinion at the Sandpit Exercise that called for Health Impact Assessments. In part, this seemed to be a response to the public health impacts on diverse socio-economic groups that in various contexts have been shown to be affected differently[[20]](#endnote-20) and the need and urgency to reduce health inequalities. The complicated nature of designing or creating a metric that could measure both health and economic inequalities and the urgency of protecting the more vulnerable, particularly in LMICs within the context of bio-colonialism, was additionally observed. Nonetheless, the next steps of defining the remit of such assessments, what would be measured, whether they would include services as well as goods, the destination of the results and, crucially, the extent to which they would be useful either for trade or non-trade experts remained vague.
* Many of the challenges already experienced and observed by PETRA in fulfilling its remit were undoubtedly reaffirmed during the Sandpit Exercise. At the same time, the event underlined the urgency and importance of the project and the difficulties for PETRA in determining not only the nature but the remit of the proposed R&D manifesto. The need to break down existing silos and nurture greater cooperation and collaboration, although essential, also raises further questions including the point at which negotiating the content of the manifesto should take place and, in turn, where the research should focus, at what level and for whom.

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