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Trans-Pacific Partnership Must Safeguard Human Rights

Any agreement on the TPP should make human rights a priority.

By Jared Genser

For the Obama administration, the Trans-Pacific Partnership is a high-profile opportunity to bolster the administration's [legacy](#) and strengthen its "[pivot to Asia](#)." The TPP, potentially the world's largest free trade agreement, would impact [40 percent](#) of global GDP and a third of its trade. In addition to eliminating tariffs, it would harmonize [regulatory standards](#), including those related to the environment, labor, and intellectual property. As the 12 negotiating countries – the U.S., Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore and Vietnam – continue to discuss the agreement, it is crucial that they prioritize human rights.

TPP proponents believe the agreement could create more jobs and generate \$123.5 billion per year in U.S. exports [by 2025](#). The Peterson Institute [estimates](#) the TPP would produce [\\$78 billion per year](#) in revenue for the U.S. Yet, an [analysis](#) by the Center for Economic and Policy Research counters that these gains would disproportionately accrue to the wealthy, median U.S. income would fall, and the U.S. economy would see wage losses for all but the top 10% of workers.

Regardless, a multitude of human-rights issues arise in the TPP framework. Two of these are particularly troubling: a lack of access to life-saving medical care due to proposed intellectual property provisions, and the failure to address Vietnam's ongoing human-rights violations.

The TPP's [leaked](#) intellectual property chapter shows the administration is pushing for longer patents on medical procedures and prescription drugs. The document also reveals that the administration wishes to bar [generic drug makers](#) from relying on safety and efficacy information previously submitted by other companies, making it more difficult for generic drug makers to enter the market in TPP countries.

These measures will likely result in increased medical care prices. Public health advocates have [long fought](#) such measures due to the fear that they could bar access to life-saving treatments.

In addition to barring access to medical care, TPP negotiations overlook Vietnam's systemic human-rights violations. Vietnam's inclusion puzzles many, including Rep. Edward R. Royce (R-CA), Chairman of the House Foreign Affairs Committee. In a letter to Secretary of State John Kerry, Congressman Royce [wrote](#), "a closer relationship between the United States and Vietnam must be conditioned on improvements in the Vietnamese government's respect for the basic freedoms of its citizens."

The economic relationship between the U.S. and Vietnam has expanded under the Obama administration. In the past five years, bilateral trade [increased](#) 60 percent, to \$25 billion annually.

Today, the U.S. is Vietnam's largest export market. While economic ties have strengthened, Vietnam's human-rights record continues to deteriorate.

On March 4, 2014, blogger Truong Duy Nhat joined [212 other dissidents](#) – not including those under house arrest – who are arbitrarily imprisoned in Vietnam. According to Freedom House, Vietnam is [not free](#): its government represses basic civil and political rights, the country lacks an independent media, and freedom of association and assembly are [severely restricted](#).

The failure to address these issues directly contradicts policy priorities outlined in a recent [speech](#) by U.S. National Security Advisor, Susan Rice. Rice, the former U.S. ambassador to the U.N. Security Council, stated, “[a]dvancing democracy and respect for human rights is central to our foreign policy. It is what our history and our values demand, but it’s also profoundly in our interests.”

Given this self-proclaimed respect for human rights, the TPP must include safeguards that promote the protection of such rights. First, a human-rights impact assessment [should be conducted](#) in accordance with [guidelines](#) developed by the U.N. Human Rights Council. A human-rights assessment would highlight the gaps between proposed TPP provisions and human-rights treaties.

Second, a dialogue underpinned by human rights should ensue regarding patents on medical devices and prescriptions, bringing together industry experts and public health advocates and utilizing standards established by the [Access to Medicine Index](#). An agreement separating patents on life-saving and non-life-saving medical care would reward pharmaceutical companies for innovation, while assuring all people – especially those in the developing world – have access to life-saving treatment.

Lastly, TPP talks should be used to pressure Vietnam to end its arbitrary detention of dissidents. The U.S. should utilize its [economic leverage](#) over Vietnam to ensure that Vietnam's inclusion is conditioned on addressing human-rights violations.

Trade agreements can be an important tool in advancing economic development. However, as bedrock values of the United States, freedom, democracy, and human rights should be consistently championed during trade negotiations. If the Obama administration truly wants to strengthen its legacy through the TPP, it must include human-rights safeguards in the agreement.

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