

International Agreements Committee Call for Evidence: UK accession to Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)

22/09/2022

About us

Baby Milk Action/IBFAN UK, as part of a global network, the [International Baby Food Action Network](#), founded in 1979. IBFAN is a network of over 348 citizens groups in more than 108 countries, working to end misleading marketing by the baby feeding industry.

IBFAN works closely with WHO and UNICEF to protect breastfeeding – a resilient practice that provides food, care and immune support and is often a lifeline in emergencies, while protecting against malnutrition in all its forms. However, breastfeeding continues to be under attack from manufacturers of ultra-processed foods. IBFAN assists governments in bringing in legislation in line with the WHO/UNICEF *International Code of Breast Milk Substitutes* and subsequent relevant World Health Assembly resolutions, and as a watch-dog organisation, monitors corporate compliance. We also work to keep national and global policy-setting as free as possible from commercial influence. ¹

Our work on Trade and Codex. Baby Milk Action and IBFAN in partnership with several other civil society organisations have worked on trade rules since our inception and have attended Codex Alimentarius meetings, since 1995 when the World Trade Organisation recognised Codex standards as the reference point for dispute settlement mechanism. Since then, we have advocated rigorous transparency and Conflicts of Interest safeguards and policy coherence in all global food standards. Our main focus has been the incorporation of WHA resolutions into Codex standards and guidelines and we have been successful in ensuring that all the standards and guidelines on infant and young child feeding make reference to these documents alongside the Code of Ethics in Food trade. ² However, the dominance of food corporations in Codex meetings and the politically influenced consensus, has clearly favoured the interests of the food industry and exporting countries, green-lighting risky products that are freely promoted to the detriment of health in resource poor countries and the environment. Our role has been to **remind governments of their duty to protect the most vulnerable members of society and ensure the strongest possible standards for products for babies and children.**

IBFAN is especially concerned about the production and trade of the unnecessary UPFs for babies – many sweetened and flavoured – that are aggressively and misleadingly promoted by corporations such as Nestlé, Danone, Reckitt, Abbott and Mead Johnson. These products include formulas and drinks that are

¹ <https://www.babymilkaction.org/policy-basics>

² CODE OF ETHICS FOR INTERNATIONAL TRADE IN FOOD INCLUDING CONCESSIONAL AND FOOD AID TRANSACTIONS CAC/RCP 20-1979. take special note of the last para: 4.4 National authorities should be aware of their obligations under the International Health Regulations (2005) with regard to food safety events, including notification, reporting or verification of events to the World Health Organisation (WHO). **They should also make sure that the international code of marketing of breast milk substitutes and relevant resolutions of the World Health Assembly (WHA) setting forth principles for the protection and promotion of breast-feeding be observed**

undermining healthy, bio-diverse family foods, fuelling the obesity epidemic and undermining breastfeeding – the nutritional, immunological health protective norm that is a lifeline for many children. ³

For more see [Codex Press Releases and statements](#) ⁴

Baby Milk Action IBFAN UK is a member of The Trade Justice Movement (TJM) and supports the TJM submission.

Introductory question

What is your view of the overall likely economic benefit of CPTPP for the UK? What are your reasons for this view? Are Government projections realistic?

Baby Milk Action/IBFAN UK shares TJM's concerns surrounding the UK's accession to CPTPP, the way the negotiation and ratification of the UK's trade treaties are conducted, the absence of an overarching trade strategy, the limited opportunities for parliamentary and public participation, the lack of transparency regarding the negotiations, so we welcome this inquiry and hope it will address this democratic deficit.

We share TJM and other NGO concerns about the impacts both domestically and internationally, including the investor-state dispute settlement mechanism especially in relation to the climate crisis,⁵ health and food standards.

We agree that too much emphasis is placed on economic benefits and marginal) GDP gains of proposed free trade agreements (FTA) given the enormous range of harms that the CPTPP membership will impact, including health, sustainability, bio-diversity, climate, environment and human rights.

The corporations that benefit from 'free trade' are never held financially responsible for these harm and all the 'costs' are externalized to governments, families, babies and the environment.

ISDS The UK has agreed to exclude ISDS provisions with Australia and New Zealand, but they are included for the other member states. What is your view on this approach?

We share TJM's concerns about the inclusion of Investor-State Dispute Settlement (ISDS) in CPTPP and the lack of specific commitments relating to its negotiating priorities regarding ISDS absence of an overarching trade strategy. In our experience in Codex the UK is too often silent in defence of health, consumer and environmental concerns. We urgently request assurance that the UK will not allow ISDS to lead to a deterrence of progressive environmental, animal and human

³ https://www.babymilkaction.org/wp-content/uploads/2023/06/FSN_UPF-Report_A4_FINAL-LOW-RES-PROOF.pdf

⁴ <https://www.babymilkaction.org/archives/34620>

⁵ COP27 – Can lessons be learned and the UPF trade controlled? <https://www.babymilkaction.org/archives/35311>

health regulations, especially those covering infant and young child feeding products, food safety and labelling.⁶

It is essential that the UK supports the transformation of the global food system following a [One Health Approach](#). Corporate-influenced multi-stakeholder initiatives create confusion and risks and health-harming corporations should not be allowed unregulated access to policy-making or invited as legitimate 'partners' in health programs.

Market-led nutrition schemes that push untested technologies and products are a major distraction from people's reality. The global trade of Ultra-Processed Products exacerbates climate damage, undermining breastfeeding and healthy diets. Weak Codex standards have been cited dozens of times at the WTO in challenges to baby food legislation, and have created a regulatory chill that has sabotaged the adoption of effective safeguards.

We believe that ISDS exemptions should have been sought with all CPTPP member states.

For more information contact: Patti Rundall, OBE, Policy Director, Baby Milk Action, Global Advocacy, IBFAN. prundall@babymilkaction.org

⁶ Green, L, Silva, L., Fletcher, M., Petchey, L., Morgan L., Douglas, M., Azam, S., McNamara, C. (2023) 'The health, well-being and equity impact of the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP) Agreement on Wales', pg 21 Available at: https://phwwhocc.co.uk/wp-content/uploads/2023/07/PHW-CPTPP-Report-Eng-10_07.pdf