

# Democrats Join FTA Critics

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Members of the opposition Democrat Party Sunday demanded the government to disclose the details of the proposed Thailand-US free trade agreement (FTA) negotiations, charging that Prime Minister Thaksin Shinawatra had intentionally violated the constitution.

Kiat Sithi-amorn, a Democrat Party working committee member responsible for economic affairs, told a press conference at party headquarters that the government should inform the public regarding the content of the negotiations in the Thailand-US FTA talks, scheduled for Jan 9-13 in the northern province of Chiang Mai.

Mr. Kiat said his party found that demands made by the US in the proposed FTA would put the kingdom at a disadvantage in several respects, and that Thailand is still unprepared both in its strategic approach and internal structure to receive mutual benefit from the pact.

Under the terms of the negotiations, details of the talks must not be disclosed to the public until the agreement is signed -- and that the FTA issue must not be submitted to parliament to seek its approval.

Countries with which Thailand has already negotiated FTA agreements--including Australia, New Zealand and even the US--had brought the agenda for discussion before their parliaments.

All except Thailand, according to Mr. Kiat, because the government had interpreted article 224 of the constitution incorrectly, despite the article stipulating that key issues must be passed to the Senate for consideration, Mr. Kiat said.

Under the article, any agreement which alters Thailand's territory or state jurisdiction must obtain approval from parliament.

Meanwhile, Khunying Kullaya Sophonpanich, a party-list member of the Democrat Party, urged parliament members to play a role in scrutinising the Thai-US FTA talks. She argued that Prime Minister Thaksin was no longer fit to administer the country because he had intentionally violated the constitution.

She said people should closely follow the negotiations between the two countries and also oppose the deal because only a handful of people would benefit from the Thailand-US FTA.

On Saturday, Mr. Thaksin said there was no need to get approval from parliament on any bilateral free trade agreements signed with other countries, and called for public

confidence in government negotiators to protect the country's interest.

Earlier, a leading academic said there is no reason why Thailand should offer terms of intellectual property rights (IPR) protection beyond what's available within the US legal framework.

Speaking at the public forum organised by the National Economic and Social Advisory Board on the impact of the ongoing Thai-US Free Trade Agreement negotiations, Dr Somkiat Tangkijvanit of the Thailand Development Research Institute (TDRI) pointed out that the IPR protection spelt out in the FTAs the US has concluded with Singapore, Chile and Australia exceeds the World Trade Organisation's Agreement on Trade-related Aspects of Intellectual Property Rights, as well as exceeding what's written in the US law itself.

In the case of Thailand, the so-called TRIPS plus protection demanded by the US involves four aspects of the pharmaceutical industry. These include the allowance for medicine patent protection to last longer than 20 years in case of delay in patent examination and approval of new drugs. Conditions for compulsory licensing and parallel import of medicine will also be subject to terms stricter than what's allowed for in TRIPS. The US also demands data exclusivity for drugs testing, which means a five-year delay for market entry of generic drugs which usually rely on such test data for approval.

Dr Somkiat noted that there appears to be no check and balance mechanism for those maximum terms of intellectual property rights protection.

Thailand's option is to seek to eliminate those TRIPS plus and US Plus terms because there is no justification for Thailand to offer IPR protection beyond the parameter of the US law, in the hopes that the Thai-US FTA "would at least not be worse than the US-Chile FTA," said Dr Somkiat.