

JUNK THE TOXIC DEAL! JUNK JPEPA!

Profits over People? “A Drop Of Milk” speech by Akbayan Rep Risa H-Baraquel

Friday 8 December 2006, by [Akbayan](#), [CARLOS Sixto](#), [HONTIVEROS Risa](#) (Date first published: 7 November 2006).

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Dear Friends,

Warm greetings! The last few weeks have had the country reminded that as a weak and developing country, we remain subject to political and economic blackmail by big capitalist powers like Japan and the United States. For one, we have to fight against the Japan-Philippines Economic Partnership Agreement (JPEPA) an agreement entered into by the Arroyo government with Japan which, if ratified, would most likely make the Philippines not only an open dumping ground of Japanese goods but also legitimize the import of Japanese toxic garbage into the country. Unable to lead in developing a self-sustaining economy and desperate to push its labor export, by hook or by crook, the Arroyo government seems to have been enticed to accede to such agreement by the prospect of a more liberal Japanese import of Filipino nurses and care givers. Unwilling to accept a lopsided deal, Akbayan has joined a broad coalition to oppose the ratification of JPEPA.

Coming in the heels of JPEPA is the issue of breast feeding against formula milk. In pursuance of one of its few positive positions, the Philippine government, through the Department of Health (DOH) has actively promoted breast feeding against formula milk. Consequently and in accord with Presidential Executive Order No.51 or the Milk Code, the DOH has drafted a new set of implementing rules and regulations (IRR) meant to restrict the “indiscriminate advertising and promotions of such product that is not founded on scientific or clinical studies.” The IRR would regulate milk formula advertising up to 24 months or two years consistent with the World Health Assembly resolutions and the Infant and Young Child Feeding Convention to which the Philippines is a signatory. The new IRR are also in accord with findings of WHO and the UN Food and Agriculture Organization that “intrinsic contamination of powdered infant formula sakasakii and salmonella is a cause of illness and infection.”

But the president and CEO of the US Chamber of Commerce Thomas Donahue takes exception to the DOH IRR and is clearly more concerned with the prospect of business losses for the pharmaceutical industry. In a letter to President Arroyo dated August 11, 2006, he said that “a recent regulatory decision by an agency of your government would have unintended negative consequences for investors’ confidence in the predictability of business law in the Philippines.” Donahue further said that the chamber was particularly “concerned about the effects this decision will have on the pharmaceutical industry.” Inevitably, the Philippine Health secretary described the letter as a form of “pressure” from the American businessmen. “It is a subtle blackmail,” the health secretary told the Philippine Daily Inquirer in a phone interview.

In this mailing we are glad to share Akbayan's clear-cut positions and the actions it has taken on these two issues inside and outside the halls of Congress.

In peace and solidarity,

Sixto Carlos

International Secretary

Akbayan! Citizens Action Party

A drop of milk

Privilege Speech

AKBAYAN Rep. Ana Theresia Hontiveros-Baraquel

Ginoong Speaker, mga kagalang-galang na mga kapwa kinatawan, magandang hapon sa inyong lahat! (Mr. Speaker, Honorable colleagues, good afternoon to you all!)

Gota de leche - or a drop of milk - had been one of the rallying calls of the first Filipino feminists. La Asosacion Feminista Filipina (AFF), the first feminist organization in the country that was founded in 1905, affirmed the importance of the health of mothers and children, as it expressed alarm over the high mortality among children and mothers a century ago. The AFF, through the La Protection de la Infancia, Inc., encouraged breastfeeding as way to address malnutrition among children; it also demanded that mothers be given the necessary support, including the space, to breastfeed their children. La Asosacion Feminista Filipina also actively supported the struggle for women's suffrage and our country's independence, which, in an era known for uncontested patriarchy, has helped elevate the status of women in our society.

Mr. Speaker, the leaders of the revered feminist organization, among them, Concepcion Felix de Calderon, Trinidad Rizal, Librada Avelino, Maria Paz Guazon, Maria Francisco, the Almeda sisters and Luisa de Silyar, must be turning in their graves over recent developments in a multi-sectoral attempt to revise Executive Order 51, or the Milk Code. The proposed revision, endorsed by the World Health Assembly, World Health Organization, World Alliance for Breastfeeding Action, and the Department of Health, is the subject of an unwanted, unwarranted, and alarming intervention from the US Chamber of Commerce.

A revision in the implementing rules and regulation of the Milk Code was first implemented on July 2006 by the Department of Health to restrict a range of marketing practices employed by infant formula companies to encourage the use of breast milk substitutes. It was immediately contested by the Pharmaceutical and Health Care Association of the Philippines (PHAP) in a case before the Supreme Court. After initially declining PHAP's application for a temporary restraining order, the Supreme Court later reversed its decision after receiving an appeal from PHAP.

On August 11, 2006, Mr. Thomas J. Donahue, President and Chief Executive Officer of the US Chamber of Commerce, wrote President GMA and warned her of the adverse effect of the proposed

revisions to the implementing rules and regulation of the country's Milk Code, specifically the recommended prohibition on "all marketing of infant formula to children up to three years of age." Mr. Donahue alleges that DOH's decision to revise the Milk Code's IRR, which was "without due process or appropriate consultation," threatens the "country's reputation as a stable and viable destination for investments."

Mr. Donahue's letter is not only inaccurate – after all, the DOH wants to proscribe the advertising, promotions, sponsorships, and marketing of breast milk substitutes for infants and children up to 2 years old, and not 3 years old as he alleges – it is also reflective of the consumerist and profit-oriented mindset of the infant formula industry. The US Chamber of Commerce is not really concerned about the DOH's decision to regulate an industry that should be considered as a threat to public health; it seeks to send a signal to Malacañang that it would oppose any amendment to the Milk Code, whether done by the DOH or Congress itself, that would limit the income of infant formula companies, none of which are Filipino-owned. In 2004 alone, the country imported P3 billion-worth of infant formula products.

Mr. Speaker, that's three billion pesos in sales at the expense of public health. At the core of this issue is the sovereign right of the Philippines to assert the primacy of the health of its citizens. Even the World Trade Organization, known for espousing an economic ideology that has radically emaciated the role of the State to deliver basic social services, recognizes the right and responsibility of its Member States to protect public health. In a landmark declaration during the 2001 WTO Ministerial Meeting in Doha, the global trade body issued the Declaration on the Trips Agreement and Public Health, and Article 4 of said document states that "the TRIPS agreement does not and should not prevent Members from taking measures to protect public health."

Regulating the use of infant formula has become a global effort to reduce under-five mortality rate and malnutrition. All over the world, 10 million children die before they reach the age of five, and 60% of these deaths are associated with malnutrition. According to the World Health Organization, "breastfeeding is the single most effective preventive intervention to save these lives."

In the Philippines, 82,000 children die every year before they reach the age of five, making it one of the 42 countries that account for 90% of the under-five year old deaths worldwide. Twenty eight percent of our children are malnourished; 27% of children 0-5 years old underweight and 30.4% stunted.

Indeed, there are strong pieces of evidence that support the benefits of breastfeeding to infant and children's health. A collaborative study on the role of breastfeeding on infant and child mortality in less developing countries done by the World Health Organization in 2000 suggests that "breastfeeding could prevent over three-fourths of deaths in early infancy and 37% in second year in life.

Similar studies in other parts of the world corroborate these findings: in Brazil, it has been found out that non-breast fed children suffer 14 times the risk of dying from diarrhea, 3.6 times the risk of dying from pneumonia, and 2.5 times the risk of dying from other infections; in Bangladesh, children who have not been breastfed and are partially breastfed are twice at risk of dying from any cause compared with exclusively breastfed infants; in the US, children who were ever breastfed had almost 25% fewer deaths; in Mexico, infants who were fed with formulas suffer from sickness 3 times as long and twice as often compared to breastfed children; locally, in a cohort study done in Cebu, the risk of death due to diarrheal diseases, a leading cause in under-five infant mortality, is eight to ten times greater among infants who were not breastfed.

Breastfeeding also has a positive effect on children's intelligence. In a study done by researchers

from the North Carolina University on the cognitive development of Filipino children, it has been found out that children who have been breastfed for 12 to 18 months are far more intelligent than those who have been breastfed for less than six months (Melissa Daniels and Linda Adairs, 2005).

Mothers, too, benefit from breastfeeding. WHO says that breastfeeding leads to the spacing of births. It also reduces bleeding after delivery and obesity among mothers. It lessens the risk of contracting chronic diseases such as type 2 diabetes (diabetes mellitus), breast and ovarian cancer, and even osteoporosis.

Why, then, despite this evidence, is breastfeeding not widely practiced in the Philippines? 950,000 infants (or 38%) are fed with infant formulas, with more than half a million (21%) fully formula fed. Poor families comprise 25% of formula users, and they spend not less than P2,000 a month to buy branded formula products (National Demographic and Health Survey 2003).

Public health should follow an evidence-based approach, and yet the dominance of the market in the health sector has threatened the welfare of children and mothers. We in AKBAYAN are not pushing for a Statist approach in healthcare delivery, but we insist that the State exercise its regulatory powers to increase and improve standards in public health.

The promotion of breastmilk substitutes has undermined breastfeeding as the healthiest and the safest feeding practice for infants and children up to two years old. The WHO has consistently warned that “No breast-milk substitute, not even the most sophisticated and nutritionally balanced formula, can begin to offer the numerous unique health advantages that breast milk provides for babies... And no matter how appropriate infant formula may be from a nutritional standpoint, when infants are not breastfed or are breastfed only partially, feeding with formula remains a deviation from the biological norm for virtually all infants. Therefore, infant formula should not be marketed or distributed in any environment in ways that may interfere with the protection and promotion of breastfeeding.”

Promotional, marketing and advertising practices of infant formula companies have marginalized breastfeeding. They sponsor so-called breastfeeding conferences for mothers and health workers that ironically extol the virtues of breastmilk substitutes. They offer various incentives to doctors and other health workers to promote their products – from trips abroad to monetary rewards and other gifts. The WHO discovered, for instance, that some health center staff are given 500 pesos per 10 children who have been successfully converted to use a particular brand. Barangay Health Workers, pediatricians, health care professionals get T-shirts, jackets, and other paraphernalia that promote branded breastmilk substitutes. Promotional items are also ubiquitous in private and public health care facilities. Media advertisements also peddle unsubstantiated and unscientific claims that infant formulas increase the emotional and intelligence quotients of children.

The absence of regulation has made the infant formula industry profitable. Filipinos spend 21.5 billion pesos to buy infant formula products; in other words, profits for multinationals and a litany of woes on our part. Mr. Speaker, the public cost of not using breastmilk is high – according to the WHO, that’s 340 million pesos on funeral expenses; 1 billion in lost wages for workers who have to take care of infants sick with diarrhea and pneumonia; 100 million out of pocket expenses due to for health care facility visits and medicines; 50 million out of pocket for hospitalizing infants; and 230 million of public funds for government expenses for hospitalization. These unnecessary expenses could be reduced by encouraging a natural preventive intervention called breastfeeding.

Ginoong Speaker, mga kapwa kinatawan, let us send a strong message to the infant formula industry and to the organizations that subscribe to Mr. Donahue’s views. Public health is not a trade issue. There is a pending bill in Congress authored by Pampanga Rep. Anna York Bondoc, which AKBAYAN

and several other representatives have co-authored, that seeks to strengthen our Milk Code by encouraging breastfeeding to infants and children up to two-years old. HB 5314, or the Infant and Young Child Feeding Act, provides lactation support programs for mothers and establishes a National Board for Infant and Young Child Feeding. It also regulates the advertising and promotion of breastmilk substitutes. The bill also reconciles our Milk Code with the International Code of Marketing of Breastmilk Substitutes, which the World Health Assembly adopted in 1981, and legislates the revisions to the Milk Code's implementing rules and regulation as proposed by the Department of Health.

The bill is now pending in the House Committees on Trade and on Health. AKBAYAN urges the House of Representatives to expedite the approval of HB 5314.

Marami pong salamat, Ginoong Speaker at mga kapwa kongresista! (Thank you very much, Mr. Speaker and to you my colleagues!)

AKBAYAN PRESS RELEASE

JUNK THE TOXIC DEAL! JUNK JPEPA!

November 7, 2006

With the battle shifting to the Upper House, AKBAYAN Partylist today trooped to the Senate to call for the junking of the Japan-Philippines Economic Partnership Agreement (JPEPA). "Japan may have done it once, but we will not allow the dumping of toxic wastes in the country again", the group said referring to the 1999 incident, when 122 containers declared as "recyclable paper" (which turned out to be clinical wastes) arrived at the Port of Manila.

The Toxic Substances and Hazardous and Nuclear Wastes Control Act (RA 6969), and the Basel Convention on Transboundary Movement of Hazardous Wastes has been in force and effect then, and yet the Philippines has become a victim of this deceptive dumping. "Ratifying the JPEPA, which may supersede these protective laws, would be no less than digging our own grave and sealing our own coffin", said AKBAYAN Legal Counsel Atty. Tanya Lat.

Other than the Basel Ban and RA 6969, the importation of wastes are also prohibited by the Philippine Clean Air Act (RA 8749), Toxic Substances and Hazardous and Nuclear Wastes Control Act (RA 6969), Ecological Solid Wastes Management Act (RA 9003), and An Act to Safeguard the Health of the People and Maintain the Dignity of the Nation by Declaring it a National Policy to Prohibit the Commercial Importation of Textile Articles Commonly Known as Used Clothing and Rags (RA 4653). "These laws have been milestones in our campaign for environmental protection, and yet they stand to be trashed in place of literally wastes and garbage", added Atty. Lat

"Save us from this destructive deal, Junk JPEPA!", the group appealed to members of the Senate. "Armed with the Constitutional power to ratify treaties entered into by the Executive, prove that this body will not allow this Executive 'lapse in judgment'", challenged AKBAYAN.

"The Administration has been pushing for Charter Change that will in effect abolish the Senate, they should be reminded that it was because of the Executive's secretive manner of negotiations that the

agreement now is under attack”, said Atty. Lat. Akbayan has filed a mandamus case in the Supreme Court for the JPEPA negotiators to disclose the full text of the agreement. Copies of the agreement were released only after the treaty has been signed by President Arroyo and Prime Minister Koizumi in Finland on September 9, 2006, on the sidelines of the Asia-Europe Summit.

Trade commitments in JPEPA will not only affect the environment, but will also have a serious impact in the lives of the average Filipino affecting not only the prices of agricultural and industrial products, but also the job security and employment of the Filipino workers in surviving local industries. “With the agreement hastily concluded in a manner that shrouded in secrecy, only the JUNKING of the JPEPA can save us from the damaging affects of this agreement”, said Atty. Lat.