

Doubts About Labour's Pledge

Prominent campaigner and health policy academic Lucy Reynolds has sounded a warning about the weakness of Labour's current platform against the government's privatising Health and Social Care Act.

Dr Reynolds argues strongly that Labour's position provides no defence against the threat of enforced competition through international trade laws – including existing EU law, and even more scarily, the US-EU trade negotiations now ongoing.

Writing on the NHS Managers.net website Dr Reynolds describes the international destruction of free NHS-style services from Saudi Arabia to Sweden. She continues: "Our main problem in stopping this destruction in England at present is the lack of public understanding of the all or nothing nature of the trade rules around maintaining free-of-charge public services."

According to Dr Reynolds, if there has been any marketisation at all in a public service, then international trade and competition law treats that service as committed to a one-way process of privatisation. Labour health spokesman Andy Burnham's policy of restoring NHS organisations to the status of "preferred provider" to the NHS does not lift the threat because a market remains in place.

In Dr Reynolds view, the Labour front bench position has not changed since it was in government and promoting the role of private companies in the NHS under the "any qualified provider" rule, among other measures.

Further cause for concern is provided by the EU's leaked instructions to its negotiators within the US trade negotiations. Gus Fagan, also an academic, gives details in an article for the Our NHS website. The EU's negotiators have been told to remove "unnecessary obstacles to trade and investment" through "an ambitious level" of harmonisation of regulations. This throws open the door to US companies whether trading in services or goods.

In the instructions to the negotiators the only possible get-out for NHS-style health services is an exemption for "services supplied in the exercise of governmental authority" as defined by the already existing GATS international trade deal. Fagan says this is regarded by experts such as the World Health Organisation as extremely weak defence for health services.

Fagan warns that, if or when the US-EU treaty is agreed, US companies will be able to take countries directly to international trade tribunals to demand the removal of alleged barriers to their activities.