

Home [The Stagers](#) [Politics](#) [Business & Economics](#) [Culture](#) [Blogs](#) [Events](#) [Podcast](#) [Magazine](#) [Archive](#)

[The Stagers](#) | [Cultural Capital](#) | [Media Mole](#) | [Mehdi Hasan](#) | [Laurie Penny](#) | [Helen Lewis](#) | [The V Spot](#) | [Samira Shackle](#) | [Alan White](#) | [Juliet Jacques](#) | [Nicky Woolf](#) | [Frances Ryan](#) | [killing time](#) | [Lez Miserable](#) | [Glosswitch](#) | [Future Proof](#) | [Sarah Ditum](#) | [Jonn Elledge](#) | [Ian Leslie](#)



The Stagers

The New Statesman's rolling politics blog



How the EU is making NHS privatisation permanent

The Transatlantic Trade and Investment Partnership gives the coalition's health reforms international legal backing.

BY [BENEDICT COOPER](#) | PUBLISHED 02 DECEMBER 2013 10:05



No doubt the launch of Transatlantic Trade and Investment Partnership (TTIP) in June was cause for much celebration in Brussels. The European Parliament is in the process of enabling a historic shift in world economics with countless, far-reaching consequences.

A key part of the TTIP is 'harmonisation' between EU and US regulation, especially for regulation in the process of being formulated. In Britain, the coalition government's Health and Social Care Act has been prepared in the same vein – to 'harmonise' the UK with the US health system.

This will open the floodgates for private healthcare providers that have made dizzying levels of profits from healthcare in the United States, while lobbying furiously against any attempts by President Obama to provide free care for people living in poverty. With the help of the Conservative government and soon the EU, these companies will soon be let loose, freed to do the same in Britain.

Linda Kaucher is a leading expert on trade agreements. She has written and

A man passes in front of the building Berlaymont at the EU headquarters in Brussels. Photograph: Getty Images.



spoken extensively on the topic, most recently in [an article in *Chartist*](#). In it, she lays out a disturbing truth about what is going on behind the scenes in Brussels, arguing that while on the surface the EU is a bastion of protections and rights, its true agenda is far more tenebrous.

It is, she says, to "permanently fix corporate-driven neo-liberalism, within the EU and internationally, via trade agreements. Any reassertion of democracy within the EU structure or member states is prevented by legally binding international trade law." She also states that the agenda is "driven and effectively controlled by transnational corporations, especially transnational financial services corporations."

How does this affect the NHS? It's painfully simple. The agreement will provide a legal heavy hand to the corporations seeking to grind down the health service. It will act as a Transatlantic bridge between the Health and Social Care Act in the UK, which forces the NHS to compete for contracts, and the private companies in the US eager to take it on for their own gain.

Kaucher says: "[The Health and Social Care Act] effectively enforces competitive tendering, and thus privatisation and liberalisation i.e. opening to transnational bidders - a shift to US-style profit-prioritised health provision."

The TTIP ensures that the Health and Social Care Act has influence beyond UK borders. It gives the act international legal backing and sets the whole shift to privatisation in stone because once it is made law, it will be irreversible. Investor State Dispute Settlement (ISDS) laws, fundamentals of the agreement, allow corporations legal protection for their profits regardless of patient care performance, with the power to sue any public sector organisation or government that threatens their interest.

Once these ISDS tools are in place, lucrative contracts will be underwritten, even where a private provider is failing patients and the CCG wants a contract cancelled. In this case, the provider will be able to sue a CCG for future loss of earnings, thanks to the agreement, causing the loss of vast sums of taxpayer money on legal and administrative costs.

Even more worrying is that, once the TTIP is enacted, repealing the Health and Social Care Act in the UK will become almost impossible. As Kaucher explains: "Even if outcomes of the NHS changes are disastrous, ISDS will effectively disallow any attempts by any future UK government to reverse the changes."

'Harmonised' standards favour private companies over public sector providers and the coalition government, the standard bearer of big business, is tirelessly working away to deliver a privatised system to its sponsors. The government claims that in privatising the NHS it will be its 'liberator'. The term even made it into the title of Andrew Lansley's now infamous report laying out the Conservatives' plans for the NHS: [Liberating the NHS](#).

This is just more euphemistic language masking sinister intentions. In a 2010 speech Dr Jacky Davis, co-founder of Keep Our NHS Public, said: "Liberating the NHS really means unprecedented cuts, job losses, deniable of accountability and privatisation.

"It means liberating the NHS budget to hand it over to the corporate sector; and among those companies waiting like vultures around a dying animal are the very same companies that spent a million dollars a day in the States lobbying against Obama's healthcare reforms."

The public need to be aware of this landmark shift and the way it affects them. So why has nothing about the TTIP appeared in the British press and why is the work of the European Parliament and Commission carried out in such a murky, underhand way?

The public has the democratic right to contest the agreement, and fight for a health service that protects them. But how can they when MEPs do nothing to inform opinion or gather support back home? The NHS is in a very precarious position. It seems that soon, with the help of Brussels, its fate will be sealed.

Special Offer: Get 12 issues of New Statesman magazine for just £12

Tags: [NHS](#) [EU](#)

More from [Benedict Cooper](#)



30 comments



Join the discussion...

Best ▾ Community

Share ↗ Login ▾

- Avatar** [Richard Westmoreland](#) · 15 hours ago
Absolutely disgusting. It really is. The reason this isn't in the media is because it would cause riots. Best keep the public ignorant and worried about who's going to win Strictly than to tell them how thousands will die for nothing more than profit.
21 ^ | ▾ · Reply · Share ›
- Avatar** [Jeff Turner](#) · 16 hours ago
... look's like we're all screwed
16 ^ | ▾ · Reply · Share ›
- Avatar** [saffrin](#) → [Jeff Turner](#) · 15 hours ago
Only if we stay part of it.
2 ^ | ▾ · Reply · Share ›
- Avatar** [Boy Charioteer](#) · 13 hours ago
This "Business Men's Club" and it's accomplices in our parliament has engineered the destruction of our mail system through it's ridiculous "market reforms" and "competition directives" with the inevitable asset stripping and selling off as a conclusion. Who cared about that? No one. No one died, so who gave a damn about the mail coming in the afternoon or tea time instead of first thing in the morning like it's supposed to? This is different. People will find out the real cost of privatization. Not just in accountants ticking balance sheets, but a relegation of the health needs of patients soon to be subservient to cost effective dividends payable to shareholders. "Investor State Dispute Settlement" eh? Who thought that one up? What a sinister sounding organization. Who gets to vote these guys out if they screw up? What happens if people die? So much for democracy. The word "choice" which is in fact a euphemism for purchasing power, will be justification for the pillaging of yet more resources from what will be the Hiroshima of the Health Service. You will have no more choice any more than you can choose a different train from a different train company on a privatized rail line. How long will it be before there is a "small charge" for basic services? The Wright Stuff was debating a £10 charge to see your doctor. I fear the slope that we are now on is like passengers on The Titanic trying to hold on to the ship as she tilts. They strove in vain.
7 ^ | ▾ · Reply · Share ›
- Avatar** [Nico](#) · 8 hours ago
"private healthcare [...]lobbying furiously against any attempts by President Obama to provide free care for people living in poverty"
Lobbying of which Simon Stevens was a part, as executive at United Health, now named head of NHS England, formerly Blair's NHS privatiser.
6 ^ | ▾ · Reply · Share ›
- Avatar** [red2black](#) → [Nico](#) · 2 hours ago
This is the sort of thing that adds fuel to 'they're all the same' claim. It seems reasonable to assume that the total privatisation of the NHS is on the cards.
^ | ▾ · Reply · Share ›
- Avatar** [michael](#) · 15 hours ago
The last juicy state utility fattened for the euro carve-up .

(Narrow gauge may just be the saviour of rail ... but no here comes euro built HS2 on wide track so that no existing rolling stock is compatible ... the gravy train continues to trundle on.)

6 ^ | v · Reply · Share >

Avatar Jonault · 8 hours ago

I presume that we would have had a 'heads-up' if MPs hadn't voted against publishing the risk report before they voted on the healthcare bill. Still, what do they care, they can claim their private healthcare bills back in their lucrative expenses.

5 ^ | v · Reply · Share >

Avatar R.B.Stewart · 7 hours ago

Worrying piece but what is the truth and I wanted more information? To me Neo-liberalism is about cheap labour and more profits for the rich and powerful. When will we learn that the free market is like a child in a sweet shop- left alone it will gorge itself until it is sick (2008) - "Markets is people" often greedy human speculators. I am generally pro-Europe but recognise it is a top down institution, with top down policy - have we ever asked working people how they would like Europe to be and I speak as a democratic socialist who believes we should build a grassroots democratic socialist Europe from below. But if the Eurocrats for example try to stop us taking the utilities, mail, rail, some banks into democratic public ownership with staff electing boards, and communities having a say and tries to stop us kicking the private sector out of the NHS then it could be goodbye to the EC if campaigns with other democratic socialists in Europe fail. Perhaps we need to turn the EC capitalist club into a working people's EC of solidarity and equality. As 2,714 City bankers get 1 million euros each perhaps we should have a EC Financial Transaction Tax of 5% which would bring in £1.75trillion to address austerity. Kick the private sector out of the NHS, save he NHS and build solidarity amongst working people in Europe!

4 ^ | v · Reply · Share >

Avatar tomfrom66 · 11 hours ago

openDemocracy signalled what was about to take place last March.

<http://www.opendemocracy.net/o...>

4 ^ | v · Reply · Share >

Avatar malatesta · 15 hours ago

Once again we'll be able to witness Miliband doing his magic 'disappearing trick', and just letting this tricky stuff slip by into the shadows of never-ever land - the destruction continues apace, and unchallenged.

2 ^ | v · Reply · Share >

Avatar desmondotoole · 12 hours ago

What absolute nonsense the euro phobic left will believe. This is the same sort of argument that claimed that the EU was responsible for rail privatisation as if the Tories ever needed the European green light for their plans. Look calmly at what is being argued: (a) a UK law is to be given the status of an immutable international treaty, (b) such a law cannot then ever be repealed flying in the face of UK constitutional law and EU treaties, and (c) there is a secret plan in the bowels of the EU to turn the European Union into an extension of the brutalist capitalism that holds sway in the US.

The British Labour Party has successfully isolated itself from the European Left and now has little input into policy or candidate decisions made by the Party of European Socialists. This article and the accompanying comments perhaps explains why the British Left have so little influence if you are so easily persuaded by weak and superficial europhobic arguments. This isolationism is neither good for UK labour, nor for UK labour's friends in the European Left.

3 ^ | 1 v · Reply · Share >

Avatar Nico → desmondotoole · 8 hours ago

Treaties such as this one override the signatories' national laws.

^ | v · Reply · Share >

Avatar desmondotoole → Nico · 6 hours ago

Only within the scope of the EU treaties. That scope would not drive public services like health into US style privatisation. That holds whether the TTIP is adopted or not.

^ | v · Reply · Share >

Avatar barrydavies → desmondotoole · 5 hours ago

Yes it does just like the greeks have been made to privatise their public utilities.

^ | v · Reply · Share >

Avatar saffrin · 15 hours ago

So for all those out there that wouldn't believe our nationalised industries weren't privatised because Brussels said so can now read all about what the European Union is really all about.

It's a free capitalist market intent on selling anything good to the multinational £billionaires, dragging in as much cheap labour as it can to make said even richer until the penny finally drops on all those narrow minded fools that insist all objections are based on racism.

Vote UKIP before it's too late. Those lying LibLabCon Artists are fooling the lot of you.

Just look at what's happening, most of Europe is broke, in debt to the tune of hundreds of billions, Greece is on its knees, Cyprus has just robbed its own citizens bank accounts, Spain has been told they'll have to do the same before Brussels will fit them up with an extortionate MFI loan and all we get from the bought and paid for journo's is everything will be fine, don't even think about it.

4 ^ | 2 v · Reply · Share >

- embrewer** → saffrin · 12 hours ago
I agree with every point you make here about the politicians and the media. Now why on earth do you think a party of neoliberals like UKIP, one of whom is suggesting the unemployed shouldn't even have the vote, and who want to take away workers' rights, is the answer?
16 ^ | 1 v · Reply · Share ›
- barrydavies** → embrewer · 5 hours ago
You must be a dyed in the wool lib/dem europhile, as you seem to think that lying about UKIP policy is the right thing to do. There is no policy coming from UKIP that the unemployed shouldn't vote after all they have more to gain from UKIP than they ever will from the conlibdemlab party. What workers rights are there to take away with the concerted attacks from the Tories and the eussr?
^ | 1 v · Reply · Share ›
- saffrin** → embrewer · 9 hours ago
First things first is the answer to that one. After that it's something like the BNP as they are not only anti-EU, they also intend to rebuild our manufacturing base as well as re-nationalise our utilities, railways, etc, etc.
^ | 1 v · Reply · Share ›
- red2black** → saffrin · 13 hours ago
I don't think an MFI loan will go very far. An IMF loan might be a better option. (tee hee)
2 ^ | v · Reply · Share ›
- @Obi_Live** → saffrin · an hour ago
That must be the reason why Farage UKIP MEP is shouting to the high heavens against the TTIP.

Oh yeah... he isn't.

Wonder why? Could it be because he is just like the other Tories? Too busy being the worse MEP with his snout in the trough and claiming taxpayer money.
^ | v · Reply · Share ›
- Avatar** George Hallam · 16 hours ago
No problem.

I'm sure that the Labour Party will just withdraw from the treaty.
1 ^ | v · Reply · Share ›
- Avatar** Tom · 6 hours ago
Should the EU be pushing this it's no good trying to tar the Conservatives with it, Labour will jump as well and ask how high when Brussels speaks.
^ | v · Reply · Share ›
- Avatar** Midwinter1947 · 10 hours ago
I'm truly shocked by this. But I am also puzzled as to how can it not be irreversible?
^ | v · Reply · Share ›
- barrydavies** → Midwinter1947 · 5 hours ago
Because the private companies will go to the ECJ and win, just as they have done when hospitals tried to keep in house cleaning laundry and catering services.
2 ^ | v · Reply · Share ›
- Avatar** lucky_jim · 14 hours ago
This is surely incompatible with the UK's own constitutional convention that no parliament can bind its successors?
^ | v · Reply · Share ›
- Al the Rott** → lucky_jim · 13 hours ago
Only applies to parliamentary measures, not international treaties which are signed by the Crown not by parliament.
1 ^ | v · Reply · Share ›
- lucky_jim** → Al the Rott · 13 hours ago
Ah, of course, thanks. Now, if only UKIP made this the crux of their campaign, rather than more freedom for city bankers to take obscene bonuses, they might actually win a lot of votes from the left.
1 ^ | 2 v · Reply · Share ›
- barrydavies** → lucky_jim · 5 hours ago
What crux of the UKIP campaign states that the bankers can make more obscene bonus' that is a tory trait.
^ | v · Reply · Share ›
- Midwinter1947** → Al the Rott · 10 hours ago



Well, some people have PLANS for the Crown.

^ | v · Reply · Share >

[Subscribe](#)

[Add Disqus to your site](#)

DISQUS

More from New Statesman

New Statesman team:

[Jason Cowley](#)
[Helen Lewis](#)
[Rafael Behr](#)
[John Gray](#)
[Kate Mossman](#)
[Peter Wilby](#)
[Jemima Khan](#)
[David Blanchflower](#)
[Sophie Elmhirst](#)
[Laurie Penny](#)
[George Eaton](#)
[Caroline Crampton](#)
[Sophie McBain](#)
[Philip Maughan](#)
[Ian Steadman](#)
[Michael Prodger](#)

Online writers:

[Rhiannon and Holly](#)
[Alan White](#)
[Glosswitch](#)
[Nelson Jones](#)
[Bim Adewunmi](#)
[Martha Gill](#)
[Juliet Jacques](#)
[David Banks](#)
[Samira Shackle](#)
[Nicky Woolf](#)
[Frances Ryan](#)
[Jonn Elledge](#)
[Sarah Ditum](#)
[Martin Robbins](#)
[Media Mole](#)
[Phil Hartup](#)

Columnists:

[Michael Brooks](#)
[Eleanor Margolis](#)
[Hunter Davies](#)
[Alice O'Keeffe](#)
[Ed Smith](#)
[Nina Caplan](#)
[Nicholas Lezard](#)
[Kevin Maguire](#)
[Felicity Cloake](#)
[John Pilger](#)
[Mehdi Hasan](#)
[Will Self](#)
[Felix Martin](#)
[John Burnside](#)
[Ruth Padel](#)
[Stephen Brasher](#)

Critics:

[Leo Robson](#)
[Rachel Cooke](#)
[Jenny Diski](#)
[Antonia Quirke](#)
[Sarah Churchwell](#)
[Alexandra Coghlan](#)
[Jane Shilling](#)
[Olivia Laing](#)
[Ryan Gilbey](#)
[Deborah Levy](#)
[Andrew Billen](#)
[Matt Trueman](#)
[Vernon Bogdanor](#)
[Steven Poole](#)
[Amanda Levet](#)
[Tom Watson](#)

Services:

[Subscribe](#)
[RSS feeds](#)
[Archive](#)
[This week's magazine](#)
[PDF edition](#)
[Advertising](#)
[Special supplements](#)
[Sponsored advertorial](#)
[Stockists](#)
[Facebook](#)
[Twitter](#)
[Tumblr](#)
[Google+](#)
[Pinterest](#)
[iPad app](#)
[Podcast](#)

© New Statesman 1913 - 2013

[History](#) | [About us](#) | [Subscribe](#) | [Advertising](#) |

[RSS feeds](#) | [Privacy policy](#) |

[Terms and conditions](#) | [Contact us](#) |