

Press Statement

WTO members should reject bad deal on medicines, AIDS activists warn

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The WTO Council for intellectual property is set to meet, tomorrow November 29, for the last time before the WTO Ministerial meeting in Hong Kong. The TRIPS Council will be considering proposals to amend the 1995 TRIPS Agreement in order to permit the exportation of generic medicines produced under compulsory license.

According to AIDS activists, the proposals are flawed, and poor countries should not accept a permanent amendment that has not already been shown to work in practice.

In 2001, the WTO signed the Doha Declaration on TRIPS and Public Health (the Doha Declaration), which affirms the right of countries to prioritize access to medicines and public health over intellectual property rights. However, the Doha Declaration left unfinished the issue of how countries with insufficient or no manufacturing capacity can make use of these rights. Indeed, most poor countries are not adequately equipped to do efficient domestic production of medicines, while those few who are require the economies of scale of a large, global market in order to reach prices that the poor can afford. However, under the 1995 TRIPS Agreement, trade in generic medicines made under compulsory license is forbidden.

On August 30 2003, the Members of the WTO finally agreed on a temporary procedure for allowing trade in compulsory-licensed medicines. The procedure has been criticized by industry experts (1) and activists alike for being too burdensome and unworkable in practice. However, the EU is pressuring developing countries to accept that the flawed August 30 agreement be locked in as a permanent amendment to the TRIPS Agreement - despite the fact that the procedure has not been used since its introduction more than 2 years ago.

"Developing countries should not be pressured to agree quickly to an amendment, just so that WTO members have something to harvest at Hong Kong after four years of negotiations. Rich countries are desperate to deflect attention from their lack of movement in agriculture and their anti-development proposals in NAMA and services. For this reason, they are resurrecting TRIPS and other issues for quick action by Hong Kong. The EU has been circulating a proposal for an amendment to lock in an unworkable system - this proposal must be rejected," said Mauro Guarinieri of the

Global Network of People living with HIV.

"Millions of people with HIV are depending on a genuinely successful resolution of WTO barriers to access to medicines. This issue is too important for countries to quickly agree something during the next two weeks, just to be able to claim that the WTO system still works and can deliver for development. If the price of making that claim is the lives people living with treatable but deadly diseases, then developing countries should not pay it."

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Notes :

(1) www.egagenerics.com/doc/ega_compulsory-licensing_2005-03.pdf