

New threat against affordable medicines in trade negotiations with India, ASEAN

22 April 2016 | News | By BioSpectrum Bureau

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Access to affordable medicines could be severely restricted for millions of people around the world under the current proposals in the Regional Comprehensive Economic Partnership (RCEP) trade agreement, the international humanitarian medical organization Médecins Sans Frontières (MSF) warned.

MSF sounded the alarm regarding the potential harmful consequences of the trade deal ahead of the next round of RCEP negotiations starting in Perth, Australia this Friday.

"Proposals in the RCEP negotiations are trying to introduce intellectual property measures far tougher on access to medicines than what is required under international trade rules", said Ms Leena Menghaney, South Asia Head of MSF's Access Campaign. "If accepted, the agreement would restrict access to affordable generic medicines for people in many countries that will be part of the agreement- including Indonesia, Thailand, Myanmar, Cambodia and Laos - and for the millions of people around the world who rely on life-saving affordable generic medicines from India."

Text from the negotiations' leaked chapter on intellectual property shows that Japan and South Korea have made proposals that go beyond what international trade rules require undermining access to affordable generic medicines.

"Many of the intellectual property provisions that have been tabled mirror those in the Trans-Pacific Partnership agreement, considered the worst trade deal ever for access to medicines", said Mr Brian Davies, East Asia Head for MSF's Access Campaign. "Countries that did not join the TPP -particularly India and key members of the Association of Southeast Asian Nations (ASEAN) - will be pushed to adopt similar standards in the RCEP negotiations."

The measures that would harm access to affordable medicines are all the more concerning given India is one of the countries included in the RCEP negotiations.

India-often known as the 'pharmacy of the developing world' for its wide-scale production of generic medicines-supplies life-

saving affordable medicines needed to treat communicable and non-communicable diseases in developing countries.

Two thirds of all the drugs MSF purchases to treat HIV, TB and malaria are generic medicines from India.

In Perth, India will be under increasing pressure to roll back some of the hard-fought protections for access to medicines that have been secured by its negotiators in trade agreements in the past, who have stood firm against the most harmful provisions-such as extended patent terms and data exclusivity-which had been proposed but rejected both in the India-Japan Comprehensive Economic Partnership Agreement, and the ongoing negotiations for an EU-India Free Trade Agreement.

One of the most damaging measures is data exclusivity, which would act like a patent to block the entry of more affordable generic medicines to the market, even for drugs that are already off patent, or do not deserve a patent to begin with.

Other clauses harmful to access to medicines remain on the table, including extending patent terms, and introducing controversial aspects of intellectual property enforcement without the safeguards needed to prevent abuse and protect access to medicines.

"If the measures in this agreement prevent people from getting the generic medicines they need, the health consequences for any delay or interruption of treatment for many diseases, like HIV, could be serious", said Dr Greg Elder, Medical Coordinator for MSF's Access Campaign. "97% of the HIV medicines MSF uses to treat 230,000 people living with the disease are generics sourced from India. The reality is, without generic medicines, we wouldn't be able to treat as many people as we do. We urge Indian and ASEAN negotiators to make sure the terms of any trade agreement reached do not impede the supply of generic medicines upon which we and so many people in developing countries rely."