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Thai and U.S. AIDS Activists Against Bilateral Trade Deal. Access to Affordable Generic Medicines in Jeopardy

(BANGKOK) Thai and U.S.-based AIDS activists contend that the Bush Administration will be seeking dangerous restrictions in the new U.S.-Thailand Free Trade Agreement that could limit Thailand's ability to produce and export generic versions of low-cost medicines. According to activists, the bilateral agreement, whose negotiations were officially launched in Bangkok at the Asia-Pacific Economic Cooperation Summit today, is the latest example of the U.S. undermining countries' rights to put public health and access to medicines ahead of protection of drug company patents. These rights were affirmed during the 2001 WTO Doha Ministerial, in the Doha Declaration on the TRIPS Agreement and Public Health. But U.S. bilateral and regional trade agreements negotiated since the Doha Declaration was signed contravene the Doha Declaration. "President Bush and Prime Minister Thaksin are too greedy to be concerned about the lives of people with AIDS and people dying without access to medicines," said Kamon Uppakaew, with the Thai Network of People Living with HIV/AIDS (TNP+). "Scaling up access to treatment in Thailand will be challenging enough without additional barriers to obtaining generic versions of newer, patented medicines for HIV and other diseases."

Thailand plans to increase HIV treatment coverage to 50,000 people next year. Thailand's government production of unpatented HIV medicines has kept national costs down, but the government has a budget quota limiting access to patent protected, second-line HIV treatment, such as Merck's efavirenz, because of high cost.

"A new trade deal that will limit Thailand's rights to break patent monopolies in order to reduce drug prices is just bad medicine," said Asia Russell of Health GAP, a U.S. based advocacy organization. "Thailand must not trade away health and access to medicines in this trade agreement." Activists demanded that intellectual property rights be removed from negotiations of the trade deal altogether, arguing that existing WTO intellectual property rules are strict enough.

Restrictions contained in new U.S. trade deals like the U.S.-Singapore trade agreement, which is expected to be a model for trade deals in the ASEAN region, include: limitations on countries' ability to do compulsory licensing, extension of a drug company patent term beyond twenty years, and a 5-year term of data exclusivity. The U.S. will negotiate for these and other potential restrictions in Thailand and in the region, no matter the cost to public health, according to activists. ("Compulsory licensing" is when a government permits production of a patented medicine by generic competitors, breaking a patent monopoly, reducing price and increasing access.)

Other restrictions could include elimination of a countries' ability to manufacture and export medicines. "Thailand has the potential to be a medicine exporter for the region which would greatly alleviate needless suffering and death from untreatable HIV/AIDS," said Allison Dinsmore of Health GAP. "A restrictive trade agreement would cut off what could be a life line for people living with AIDS in the region and around the world. Thailand should reject negotiations of intellectual property rights in this bilateral trade deal." Only 5% of the 5.6 million people living with HIV/AIDS in South and Southeast Asia have access to HIV/AIDS treatment.

"President Bush is betraying the spirit of the Doha Declaration by seeking restrictive trade agreements with poor countries," said Sharonann Lynch of Health GAP. "Ever the unilateralist, Bush would rather reject a multilateral agreement on public health and pick countries and regions off one by one, bullying them into agreeing to dangerous rules on patent protection."

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