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US-THAI FTA: Call to bar medicines from pact

Inclusion 'could reduce Thais' access to key drugs'

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A public hearing yesterday called on the government to exclude intellectual property rights pertaining to medications, local plants and traditional medicines from the free-trade agreement (FTA) currently being negotiated with the US, fearing that their inclusion would be disadvantageous to the country's healthcare system.

The hearing was held yesterday by the National Economic and Social Advisory Council, ahead of the next round of government-level talks with the US next month.

The forum concluded that if Thailand were to incorporate into the FTA intellectual property rights related to medications and health services it could trigger a fall in the accessibility of certain medications.

Academics seconded to analyse the issue reported their belief that the US would ultimately attempt to gain a monopoly over parts of the Kingdom's pharmaceutical industry.

The economists, drawn from leading universities such as Chulalongkorn, Mahidol and Thammasat, cited other FTAs between the US and countries like Singapore to draw their conclusions.

Extending the longevity of patents on pre-existing medications, and closing the door on the production of cheap generic alternatives, would make prices too high, said Dr Prapote Petrakard, head of the council's working group on this issue. This would keep the drugs out of reach for many members of the public

About 90 per cent of the medications used in Thailand are cheap generic versions, rather than expensive brand names, said health activist Nimitr Thienudom.

The US-Thai FTA negotiations are likely to include calls for a lifting of compulsory licences for retroviral drugs to combat HIV/Aids, or for vaccines against new epidemics like Sars and avian flu, as allowed by the World Trade Organisation's recent declaration. In such a scenario, the government would be unable to save the lives of those afflicted with the diseases even though the medicines existed, said a pharmaceutical expert who is familiar with the issue.

The existing protection of intellectual property rights by the WTO and Thai law is sufficient and is recognised worldwide, said the same source on condition of anonymity.

"Thailand is far different from Singapore in many ways, so our strategies in negotiations should be based on different grounds," said Prof Siripen Supakankunti of Chulalongkorn University's Centre for Health Economics.

The forum also called on the government to reject US requests for further protections for herbal remedies and traditional medicines, as many people in the rural sector are not savvy enough to benefit from such an arrangement.