

Don't Let Your Governments Trade Away Our Lives

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☒ An Open Letter to the Citizens of Europe from Nonkosi Khumalo, Chairperson of the Treatment Action Campaign, South Africa

"We are writing to you as people living with HIV/AIDS, who rely on access to affordable medicines to stay alive. We are writing you because your governments are pushing to limit our access to medicines through a Free Trade Agreement the EU is negotiating with India, which is the world's largest producer of affordable generic medicines. This week, as the EU and India meet for a summit in Delhi, our lives hang in the balance as the two sides make trade-offs to come to an agreement. Don't let your governments trade away our lives."

The Treatment Action Campaign (TAC) was launched in South Africa in 1998 at a time when people across Africa were dying from AIDS because they couldn't afford the high price of life-saving antiretroviral medicines. Over the past decade, TAC has campaigned with our international partners for affordable access to these medicines ? seeing a nearly 99% drop in the price of a standard triple drug combination, from roughly 9,000 EUR per patient per year in 2000 to below 115 EUR per patient per year today. These prices came down primarily because of market competition among generic drug producers in India. Yet the battle for medicines access is not over, and many medicines, including cancer drugs and newer HIV medicines that people need after time, remain inaccessible to people in the developing world because of their high price.

We implore you, as citizens of the European Union, to stand with us against policies that are being pursued by your governments through the EU-India Free Trade Agreement (FTA) that will block our access to affordable medicines ? putting our health and lives at risk. The agreement is being negotiated in secret, without opportunity for input by the citizens of EU member states and India. The EU has threatened to back out of the negotiations if the FTA is not signed by February ? an attempt to force India to accept many of the harmful provisions the EU demands.

Ensuring that access to HIV medicines is protected is crucial to save lives and also reduce transmission of the virus. Last year, a landmark clinical trial showed that HIV treatment reduces by 96% the risk that the virus will be passed on. It is imperative that medicines remain available and affordable so that we can begin to turn the epidemic around.

India is often called the "pharmacy of the developing world." A study found that between 2003 and 2008, India supplied more than 80% of the HIV medicines used for the treatment of people living with HIV in developing countries. Beyond HIV, India is a vital supplier of affordable generic medicines to treat many other diseases.

But all this could change if the EU continues to pressure India to agree to more stringent intellectual property protection than that required by international trade rules. The United Nations, the World Health Organisation, the Global Fund to Fight AIDS, Tuberculosis and Malaria, and UNITAID have all warned against the adoption of these stringent measures that exceed India's obligations. The adverse impact these excessive intellectual property provisions have on access to medicines is well documented.

The harmful measures pushed by the EU include: so-called "data exclusivity" that will delay the registration of generic medicines; investment rules that will allow multinational companies to sue the Indian government for implementing pro-health policies, and intellectual property enforcement measures that will, for example, block legitimate medicines

from leaving India on their way to patients in other developing countries. The EU's own experiment in increasing the enforcement of intellectual property has already had harmful consequences on access to medicines, with generic HIV medicines made in India being detained by European Customs officials on their way to Africa on allegations of intellectual property violation. The very real consequence of these seizures is stock-outs of medicines in clinics in poor countries and the interruption of life-saving treatment. The EU is now trying to legitimize these measures through trade agreements.

The European Parliament itself has recognised the role of India in supplying medicines to the developing world and understands the policies the European Commission (EC) is pushing through the FTA will have 'a detrimental impact' on the availability of generic medicines. Since the FTA negotiations started in 2007, health and public interest groups have repeatedly written to the European Commission asking them to remove these harmful demands. Across Latin America, Asia, Africa and Europe, people living with HIV have taken to the streets demanding that the EC withdraw its demands. Yet the EC persists.

As people living in developing countries, we are deeply dismayed that EU governments are pushing policies that prioritize profits of the already extremely profitable pharmaceutical industry at the expense of our lives.

For the first time in the history of the epidemic, we can now talk about reversing HIV/AIDS. We now know that HIV treatment itself—which TAC and countless other groups across the developing world have fought for over the past decade—holds the key to stopping infections. As citizens of the EU, we ask you to stand with us in solidarity by calling on your leaders not to pursue harmful intellectual property provisions in the FTA that will take this treatment out of our hands.

We ask you to stand up for our lives.

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