

Health GAP Coalition Action Alert

Fast Track: a matter of life and death for people with AIDS



Help de-rail a trade bill threatening cheap drug access in poor countries

In Nov. 2001, activists from around the world pressured the U.S. government into accepting a World Trade Organization (WTO) declaration on public health. This declaration said that the WTO trade rules that set up drug company monopolies on medicines shouldn't stand in the way of countries increasing access to affordable drugs. This was a powerful victory for people with AIDS in developing countries.

Fast Track—a trade bill in Congress, also known as “Trade Promotion Authority” H.R. 3005—would roll back this victory at the WTO. Fast Track shifts power from Congress to the President in negotiating trade deals (see **“Background” on p.2 of this alert**). Instead of Congress weighing in and including AIDS drug access and public health provisions in trade deals, lawmakers would only be allowed a yes-or-no vote on trade agreements. **AIDS, public health, and fair trade advocates are working together in broad coalition to kill Fast Track. The bill squeaked by in the House 215-214. We have to fight Fast Track in the Senate.**

TAKE ACTION!

TODAY: Contact your Senators and tell them to **vote no on Fast Track**. We need trade agreements that prioritize the public health needs of people in poor countries living with illnesses like AIDS.

Call the Capitol switchboard: (202) 224-3121 and ask to be connected with your Senators.

DURING PRESIDENT’S DAY RECESS, Feb. 18-22: During the President’s Day Recess Senators will be in their district offices. This is an ideal time to set up local meetings to lobby your Senators to oppose Fast Track. Contact Health GAP for help contacting other anti-Fast Track activists in your area: (215) 474-9329.

AFTER THE SENATE VOTE ON FAST TRACK: If Fast Track gets passed in the Senate it will go on to a “conference committee” where members of the House and Senate have to sort out the differences in the House and Senate bills. We don’t know yet who will be on this conference committee. Pressuring the members of this conference committee to support amendments to Fast Track that prioritize access to essential medicines will be extremely important. **Contact Health GAP for information and updates about amendment language and House and Senate sponsors.**

Talking points on Fast Track and the global AIDS crisis:

—Turning Congress into a lame duck on international trade means new trade agreements will “trade away” safeguards that could extend affordable generic drug access to people in developing countries.

—New trade agreements like the Free Trade Area of the Americas (see “background” for more information) are being negotiated now. If Fast Track becomes law, it will be almost impossible to include amendments to the FTAA that will promote access to affordable generic AIDS drugs.

—Fair trade means supporting the human rights of people to obtain affordable life-extending medications. Anything less than true fair trade is a deadly compromise for people with AIDS.

More anti-Fast Track resources:

Public Citizen’s Global Trade Watch: www.citizen.org/trade/fasttrack/index.cfm

AFL-CIO: www.aflcio.org/globaleconomy/index.htm

contact the Health GAP Coalition:

tel: (215) 474-9329 tel / email: info@healthgap.org / www.globaltreatmentaccess.org

What does AIDS drug access have to do with Fast Track?

There are many reasons to oppose Fast Track. But its potential threat to public health and access to affordable HIV medication makes Fast Track particularly dangerous. High prices keep life-extending AIDS drugs out of reach in the developing countries where AIDS is doing the most damage. Generic competition among drug companies has been shown to slash medication prices. But strict patent protection rules on drugs can leave countries with little recourse if they want to obtain cheaper, generic versions of patent protected medicines.

Sweeping trade deals being negotiated by the U.S., like the free trade agreement for the Western Hemisphere (called the Free Trade Area of the Americas, or FTAA), include provisions that would increase the rights of drug companies and other patent holders—above and beyond even the strict rules set out by the World Trade Organization (WTO).

Brazil's successful AIDS treatment program, which relies heavily on free access to generic versions of AIDS drugs, would be almost impossible to duplicate in Latin America if Fast Track priorities govern FTAA negotiations. Lawmakers would be denied the chance to give special attention to public health imperatives like access to medicines—they would only be allowed to vote “yea” or “nay.”

Victories at Doha: At the recent WTO Ministerial Meeting in Doha, poor countries won a declaration that WTO rules governing patents and other forms of intellectual property should not stand in the way of public health. This means poor countries have the authority to override patent monopolies on AIDS and other essential drugs in order to meet public health needs. In particular, the Doha Declaration clarified the following:

1. Public health and access is an overriding public policy objective of TRIPS, post-Doha.
2. TRIPS does not prohibit countries from adopting laws permitting parallel importation of branded medicines from cheaper sources.
3. Countries have under TRIPS to issue compulsory licenses for government use, for matters of extreme urgency, for abuse of patent, for non-working, for public health and public interest reasons, and for virtually any other stated reason, e.g., economic development.
4. Countries have a particular interest in issuing compulsory licenses to create combination medicines which ease compliance with treatment regimens.
5. Countries should be able to export medicines to countries with little or no pharmaceutical manufacturing capacity and who cannot "effectively utilize compulsory licenses" (either countries that have issued such license or countries where patents are not on file so that they can't issue CLs).
6. Transitional periods have been extended for least developed countries.

These and other victories will slip away if Fast Track is allowed to pass.

And if that isn't enough...

Fast Track does more than just eliminate Congress' ability to amend trade agreements. Fast Track sets out trade negotiating guidelines that are dangerous for poor countries trying to improve access to affordable medications. These guidelines are meant to be the framework for trade talks, and they spell danger for people with AIDS in developing countries.

The negotiating guidelines include:

- Pressuring countries to speed up their implementation of WTO rules on intellectual property—regardless of the actual implementation timeline established by WTO rules;
- Pressuring countries to abandon national price controls, including price controls on medications;
- Using U.S. laws on intellectual property rights as the benchmark for international trade agreements, even though in the arena of pharmaceuticals, U.S. law often goes above and beyond the requirements of the WTO and would not permit most of the measures described in the post-Doha box above.