

WTO amendment on generic drugs draws mixed reaction

John Zarocostas *Geneva*

A World Trade Organization (WTO) agreement to make permanent a provisional waiver concerning the import of generic drugs has been cautiously welcomed by the World Health Organization. The 2003 waiver made it easier for countries to import cheaper generic copies of patented drugs to deal with public health crises.

The permanent amendment to the WTO's agreement on trade related aspects of intellectual property rights (TRIPS) allows WTO members with "insufficient or no manufacturing capacities" in drug production to import generic versions of patented drugs made under compulsory licence in countries with such capacity.

A spokesperson for WHO said this week that the organisation was encouraged by the

agreement reached on the amendment because it signalled the willingness and flexibility of WTO "to take concrete steps to ensure the primacy of health."

Pascal Lamy, director general of WTO, said, "The crucial thing now is to move from rhetoric to reality, by ensuring that this agreement can deliver real practical benefits in tackling HIV and AIDS, malaria, and other public health threats."

However, the amendment, which was made on 6 December, has come under fire from Médecins Sans Frontières, which said that the decision "is based on a mechanism that has failed to prove it can increase access to medicines."

The charity said it and public health organisations have long viewed the initial 2003 waiver as "cumbersome and inefficient."

"To date there is no experience of using the mechanism ... not one patient has benefited from its use ... The amendment has made permanent a burdensome drug by drug, country by country decision making process," it said.

Voicing similar concerns, WHO said it will strive to provide relevant technical advice to its member states on the effective use of the amended TRIPS agreement.

WHO stressed that it will continue to advocate "a simple and workable approach in the interpretation of the amendment to achieve full public health benefits from lower priced medicines."

Trade envoys said the failure of drug exporting countries to change their own patent laws to permit the shipment of products

made under compulsory licence has contributed to the lack of use of the waiver mechanism.

So far only Norway, India, and Canada have changed their laws, while South Korea and the European Union have said their amended laws are on the verge of coming into force, WTO said.

Rich industrialised countries, including the United States, the European Union, Japan, and Switzerland, have announced that they will not use the system to import drugs.

A further 11 WTO members, including Korea, Singapore, and Israel, have said they will use the system to import drugs only for emergencies or extremely urgent situations.

The International Federation of Pharmaceutical Manufacturers and Associations lauded the WTO's deal.

Health should be seen as a human right, global campaign says

Sophie Arie *London*

A campaign backed by politicians, pop stars, and medical and religious leaders was launched last week to urge the world to recognise health as a human right on a par with the right to a fair trial or to freedom of expression.

"It is time for the world to come to its senses and call health a human right," said Mary Robinson, the former United Nations high commissioner for human rights, at a seminar hosted by the British Medical Association last Friday.

Paul Hunt, the UN special rapporteur on the right to the highest attainable standard of health, said, "Almost every state on the planet has voluntarily signed one or more human

rights treaties that has expressly recognised the right to health. And yet at the highest levels of government the right to health is not taken seriously."

Some 30 000 children under the age of 5 years die every day from preventable diseases or hunger, said Mrs Robinson, now president of Realizing Rights: the Ethical Globalization Initiative. One billion people—a fifth of the world's population—lack access to safe water, and every minute a woman dies giving birth.

"That's why when we talk about poverty we have to talk about health," she said.

"World leaders who genuinely want to tackle the problems of poverty in Africa must put

health at the top of the agenda."

Mrs Robinson and Mr Hunt are spearheading a campaign, also supported by the rock singer Bono and former US presidents Bill Clinton and Jimmy Carter, to raise awareness at all levels of people's right to health.

They hope, in coming months, to remind world leaders of their commitment to the Universal Declaration of Human Rights, which says, in article 25, "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including medical care."

And as they take their campaign around the world they plan, using their website (www.realizingrights.org), to gather millions of signatures supporting their call to action.

The campaign stresses that governments need only provide the most basic things—clean water and simple food—to start



Mary Robinson: if leaders want to tackle poverty, they must push health up the agenda

to reduce the "unacceptable" gap in health between the world's richest people, who can expect to live to almost 80, and the poorest, who die on average before the age of 40.