

An Open Letter from People Living with HIV to: Philippe Duneton, UNITAID Denis Broun, UNITAID / Michel Sidibe, UNAIDS / Ellen T'Hoen, MPP

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1. We are people living with HIV from all over the world who have been involved in various struggles over the years to advance the rights of people living with HIV and to increase their access to life saving medicines.
2. At some point or the other in our professional lives, we have worked closely with people associated with UNITAID, UNAIDS and the MPP. We have great respect for their past contribution to medicines access for people living with HIV/AIDS and we bear no animosity towards them.
3. Over the past few weeks, concerns have been raised about the licenses negotiated with Gilead Sciences, Inc. by the Medicines Patent Pool (MPP), which was announced on 12 July 2011.
4. During this time, people living with HIV with activists and advocates from Latin America, Europe, North Africa and Asia have expressed concern about the limited geographic scope of the licenses, while others have issued broader and legitimate critiques of this agreement without misrepresenting the facts.
5. Even before this, we note that our activist friends and partners in Asia raised serious concerns about the workings and functions of the MPP that we believe have not been sufficiently addressed since.
6. Thus, in the face of legitimate questions and criticism that are not personal in nature, from all parts of the globe, including from credible and long standing activists, lawyers and other professionals, we do expect proper and respectful answers.

7. We want answers about many things, but mainly about the MPP's role, the agreements it has negotiated and continues to negotiate largely without advanced public and civil society scrutiny with the pharmaceutical industry, the potential for conflict of interest inherent in the financial arrangements with the companies it does business with, and the trade-offs inherent in focusing on the patent pool as a primary means of expanding access to drugs.

8. It is also regrettable that in the past few weeks in communications about the position of civil society and its concerns and criticisms about the license, that the MPP has chosen to misrepresent those aspects of the work of civil society.

9. We of course recognise that in the fight for access to AIDS treatment, difficult choices must frequently be made. However, in the past, in our experience with many other partners, these serious decisions have been taken together in proper and meaningful consultation with people living with HIV and a full, shared understanding of the national, regional and international contexts involved.

10. An essential credo of the movement of people living with HIV has been that we must be integrally involved in the decisions that affect our lives. Even on technical issues - from biomedical research to legal matters - we have never chosen to surrender our autonomy and independence of mind to other experts to act in our stead and without our consent and without fully interrogating the implications of all agreements and deals for / with us.

11. We have worked tirelessly for over a decade to fight the trade and intellectual property regimes that have slowed and blocked access to the drugs we need to stay alive. So when we say we do not believe that the MPP has been granted a global mandate to negotiate on behalf of people living with HIV and civil society, we direct this at the institution, not the individuals that work for it, some of whom have been long standing allies of our struggle for many years.

12. But based on the responses and communications by some within the MPP thus far -which we had had sight of - we do not believe that at this time and in this matter it can genuinely exercise sufficient independent or critical judgment on the license agreement and its continued role.

13. We would like to reiterate that our work as people living with HIV and as treatment activists has been based on a global solidarity - we will not trade away the rights of people with HIV in one region of the world for rights for those in another - we stand together determined and united.

14. For this reason, we support the call for a global meeting of those directly affected by the licenses especially our activist friends and colleagues from Eastern Europe, Latin America, North Africa and Asia - independently chaired, and with your offices.

15. We support the call by the International Treatment Preparedness Coalition and the Initiative for Medicines, Access, & Knowledge for a formal consultation, with people with HIV, activists and lawyers and other professionals with whom we work closely, to address the current license, and the long-term future and mission of the MPP, in light of the fact that while it has negotiated one license at this stage, it is apparently due to negotiate several others by the end of the year.

16. We hope that in the weeks to come a proper and transparent process to deal with all the criticism and questions raised over the last 2 years and also since the agreement was announced, will be put in place with our full involvement.

Signed:

Zackie Achmat, South Africa

David Barr, USA

Sylvere Bukiki, Ivory Coast

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