

An open letter from CS delegates on UNITAID board

Date: 11 August 2011

Source: KEIonline.org

The UNITAID Communities and NGO Board delegations are fully aware of the public debate around the first licence between Gilead and the Medicines Patent Pool (MPP), and both its value and shortcomings. We are also aware of the importance as well as the limitations of the MPP. We wish to acknowledge the concerns that have been raised. As constituency delegates to the board, we would like to share our key strategies on access to HIV medicines. We see these as reflected in the following:

1. The MPP represents one important strategy in making ARVs available and affordable for people who need them in developing countries. Therefore we will continue lobbying Pharmaceutical companies to join the pool.

2. We, as Civil Society delegates, are committed to universal access for all people living with HIV, and will continue to push for wider inclusion of developing countries in this and future licence agreements. The terms of the licences are important, and civil society needs to have a strategy to influence those terms. Part of this strategy involves putting pressure on the MPP itself, but it also must include putting great pressure on companies. The strategy also includes advocacy for developing countries to put pressure on companies, to expand the geographic scope and make other pro- competition changes. The MPP is not by itself able to deliver every concession from the companies that we all want.

3. We shall, as representatives of individual organisations, members of affected communities, and as Board members, continue advocating for developing country governments to use all possible TRIPS flexibilities and safeguards to ensure access to medicines, especially for HIV, in their countries. We will also continue to lobby rich countries, especially the US/EC, to stop pressuring developing countries to refrain from using these measures.

4. We shall similarly continue our lobby and campaign against TRIPS Plus in FTA and investment agreements, especially EU-India, Mercosur, ACTA, EPAs, the Trans-Pacific Partnership (TPP) and upcoming Thailand, Philippines, and Vietnam trade agreements.

5. We will continue to lobby donor governments to fully fund the Global Fund in order to deliver HIV, TB, malaria programmes, and to fund UNITAID, in order to scale up its market interventions, to make medicines, diagnostics and other health products available and affordable, to all who need them in developing countries.

6. We stress that the MPP mandate derives from its relationship with UNITAID. CS (both Communities living with the diseases and NGOs) as well as some key governments from the South have been part of the decision making and shaping of the Pool. As activists on the UNITAID Board, we have a powerful interest in seeing that the terms of the MPP licences are improved.

7. We also recognise that the transparency of the Gilead licence - the first voluntary licence to be made fully publicly available- has raised a variety of comments and questions. There needs to be further discussion with people living with HIV and NGOs to set out what it will take to get better terms in licensing, whilst enabling the MPP to proceed in licensing negotiations. We support the notion that the Gilead license must not represent a ceiling, and that more must be done to improve it.

8. Therefore we support the idea of a meeting between MPP, CS and those directly affected by the licences, in low and middle income countries. There are various options for this meeting, including whether ITPC would want to select a chair and/or organize, whether UNITAID organize it or whether other options for funding or organizing the meeting should be sought.

9. Finally, we welcome input from all affected communities and NGOs, into our positions and work as Board members at UNITAID, including on the Medicines Patent Pool. We invite you to join our Contact Group or Advisory Group if you are interested in providing input into our work at UNITAID Board level (please do contact jhamer@oxfam.org.uk if interested).

Keywords: Open Letter / Patent Pool / UNITAID