



= AKSES OBAT MAHAL



Indonesia for Global Justice

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Access to Medicines Discussion in Asia-Europe People's Forum

The Asia-Europe People's Forum on Trade Justice & Corporate Accountability Thematic Circle held on 18 to 23 February 2018 in Jakarta and Solo. This agenda was coinciding with the 4th EU-Indonesia CEPA negotiation in Indonesia at 19-23 February 2018, in Solo, Central Java. AEPF week of actions in Jakarta held on 18-23 February 2018 has become the important process to re-consolidate people's idea in different region in the story of resistance against free trade agenda and domination of Multinational Corporation.

The FTA used by the corporations to monopolize the live of People. At least there are 4 critical rules issue under FTA which threatening people's live, i.e.: Investment chapter, services chapter, intellectual property rights chapter, and digital economy chapter. Access to Medicine Problems on EU CEPA

One of the aspect in EU CEPA that will eliminate public access from health and cheap medicines is the provisions of intellectual property rights (IPRs). This is due to the provisions on IPRs on the patent protection has been provide monopoly rights for multinational pharmacy corporation to the

medicines. There were 3 speakers who revealed the TNCs monopoly on medicine in the AEPF session of IPRs.

Joseph Purugganan from Focus on the Global South said, inside of the current FTA that is consist of provisions on IPRs, there are two related important things. First, in related to the public health sector, where IPRs will impact to the peoples' access to the medicines and second in the agriculture sector, how IPRs will raise the problem on farmers' right to seed.

Lutfiyah Hanim, from Third World Network (TWN), explained on how the process of current FTA encourage the proposal of TRIPS Plus. The standard rules of TRIPS in WTO is quite heavily for developing countries and LDCs, and added by the extra rules (TRIP Plus). The involvement of a state in WTO will affect state's obligation to adjust with the various WTO policies including TRIPS. Before Indonesia join to WTO, Indonesian Government policy for patent protection is for 14 years, and it is changed for 20 years after join.



Parallel discussion about IPRs in AEPF 2018 Jakarta

the developed countries like America has been used TRIPS flexibility for their interest like using compulsory license and Government use.

The concern of negotiation that being undertaken by EU and Indonesia in relation to the IPR is the inclusion of data exclusive provisions, i.e. timing for companies conducting clinical trials, gain the protection of clinical trials data. In this case, EU pushing for data exclusivity in patent is granted additional time for 10 years. Another concern in CEPA is by the signing of negotiation, it will impact to the changes of State's regulation due to have to ratified the rules agreed besides harmonization clause.

The policy on patent protection causes monopoly in the supply of medicine that finally will impact to the faster death of sufferer who can not access the medicines. The sufferer should be waited for 20 years in accessing cheap medicines. For example ARV for HIV, in 2001, the cost should be paid for that medicine is US\$ 10.000 /year, and in 2009 when the generics medicines emerged, the costs incurred for medicines became US \$ 50 per year. Generic medicines will greatly helpful for people in developing and underdeveloped countries in accessing the medicine due to the affordable prices, besides creates a healthy competition between pharmaceutical industry.

The strategy could be done by developing countries and LDCs to reduce the impact of TRIPS is by fighting and maximalized the use of TRIPS flexibility. So far,

Irwandy Wijaya who works on HIV issue according to his experience in advocating affordability of medicines in Indonesia, found that the actual cost spent to produce the medicines is not big enough. The causes of high prices in medicines is due to the high profit would be reach by pharmaceutical companies. Indonesia is one of countries applies compulsory licenses, but however, the implementation of this policy is not maximal enough.

Another aspect becomes Indonesian civil society works in pushing cheap access to medicines is by giving education to the public that there are many rules encouraged by pharmaceutical companies to enter state regulation to increase their profit, one of them is by extending the period of patent like impulse to agree data exclusivity.****

For further information, please contact:

Indonesia for Global Justice
Komplek PLN Duren Tiga, Jl.Laboratorium No.7, Pancoran,
Jakarta Selatan, 12760, Indonesia
Email: igj@igj.or.id
Website: www.igj.or.id
Telp: +62-21-7984552



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FOR GLOBAL JUSTICE