

Protest against EU-India free trade agreement swells as summit kicks off in Delhi

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Even as the EU-India free trade agreement (FTA) summit kicks off in Delhi, the voice against the proposed agreement is getting louder in the country as there is apprehension among the people that the agreement will have a negative impact on access to affordable medicines across developing countries.

Apprehensive of the adverse impacts if India signs the FTA with the European Union (EU), the NGOs working in the health sector have urged the Indian government to stand strong against EU demands to include harmful intellectual property (IP) provisions in the FTA that will hinder access to quality, affordable generic medicines produced in India, which have played a crucial role in scaling up HIV treatment to more than 6.6 million people across Asia, Africa and Latin America.

To drive home its message to the government, the international medical humanitarian organisation Médecins Sans Frontières (MSF) will organise a protest march from Mandi House to Parliament Street in Delhi on February 10 to protest the EU-India FTA, in which a large number of people living with HIV, farmers and small traders will raise the banner “Don’t trade away our lives in the EU-India Free Trade Agreement.”

According to Médecins Sans Frontières (MSF), India has been called the ‘pharmacy of the developing world’ because it produces quality affordable versions of medicines patented elsewhere. More than 80 per cent of the HIV medicines used to treat 6.6 million people in developing countries come from producers in India, and MSF also sources more than 80 per cent of the HIV medicines it uses to treat 170,000 people in 19 countries from India.

MSF also relies on generic medicines from India to treat other diseases and conditions. But a free trade agreement, currently under negotiation between the EU and India, could greatly restrict the ability of manufacturers in India to continue producing affordable generics that millions of people rely on to stay alive.

The NGOs fear that the EU-India FTA will stamp out competition through intimidation as the IP enforcement provisions include a number of different measures that will dictate the way disputes around patents and trademark infringements will be managed by Indian courts. The effects of these measures range from legitimate medicines being blocked from leaving India on their way to people in developing countries to third parties—such as treatment providers like MSF—being embroiled in court cases simply for buying or distributing generic medicines. If India signs up to these clauses, the Indian judiciary will have its hands tied and will no longer be able to balance intellectual property rights with people's right to health.

They also apprehend that the investment provisions in the FTA would allow a multinational drug company to sue the Indian government, for example, if the government decided to override a drug patent and allow generic manufacturers to produce more affordable versions, in order to increase access to the medicines for its people. The same could apply if the government tried to regulate drug prices. The company could claim the government action negatively impacts their 'investment' in the country, and could sue the government for large sums in damages in secret dispute settlement panels, outside of the court system.