

29/04/2001

Have a heart

THE politics of patent, deployed by the multinational drug companies and their home governments such as the United States, are denying many HIV/AIDS (Human Immuno-deficiency Virus/Acquired Immune Deficiency Syndrome) patients of access to life-saving and pain-alleviating drugs.

The patients' chances of living longer are imprisoned within the restrictions of patents and intellectual property rights. True, there is no cure for the disease but combination drug therapies such as HAART (highly-active anti-retroviral therapy) have been proven to significantly lower the amount of virus circulating in the patient's blood. Drugs such as AZT and Nevirapine are effective in preventing mother-to-child transmission.

But the cost is prohibitive. Each HIV/AIDS patient would need between RM1,500 and RM2,000 per month for the drug therapy and with the current global economic scenario, the price will surely escalate. And too often, the patients have to battle with "opportunistic illnesses" which afflict HIV/AIDS sufferers and act as the proximate cause of death. This will impose a heavy burden on the public health system.

Despite the World Health Organisation's assurance and with the exception of South Africa, multinational drug companies have yet to lower prices for developing countries. We doubt they will do it. South Africa is an exception on the basis that AIDS is a major catastrophe whereby 4.2 million people have contracted it, 22 per cent of pregnant women are HIV positive and some 1,700 people are newly infected each day. The question is: Must a developing country reach such a staggering proportion of HIV/AIDS affliction to deserve reduced prices? This is an issue that rests in the collective conscience of the multinational drug companies.

We cannot afford to wait for them to have a heart. The only way is, as proposed by Prime Minister Datuk Seri Dr Mahathir Mohamad, to demand for a review of the patent laws, compulsory licensing and parallel importing of the drugs. Compulsory licensing allows local companies to make a generic form of drugs without the patent holder's consent. The logic of compulsory licensing as a humane way of arresting life-threatening diseases is demonstrated herein: Pfizer holds the patent to Fluconazole, a drug for cryptococcal meningitis which afflicts most HIV/AIDS sufferers, and sets its price in every country. With compulsory licensing, the price of the drug can be reduced from US\$7.50 to US70 cents.

The way seems clear enough. But it is not without obstacles for it offends the multinational drug companies which are expected to lobby their governments to thwart such a move. Despite the legality of compulsory licensing and the global menace of HIV/AIDS, the US has actively opposed the efforts to implement compulsory licensing and parallel imports that make life-saving HIV/AIDS drugs more affordable and available. Look no further than South Africa's review of its Medicine Act to give it the authority to make compulsory licensing and parallel import policies. It was threatened with trade sanctions and was put under the Special 301 watch-list.

Where does the sanctity and integrity of life stand in relation to the pecuniary benefits of the multinational drug companies and their home governments? The reality is that patents are no more than a new device of colonialism.

(END)

