

An open letter to the sixteen governments negotiating the Regional Comprehensive Economic Partnership (RCEP)

17 October 2016

Health organisations call on trade ministers to reject provisions that would negatively affect access to generic medicines in the Regional Comprehensive Economic Partnership agreement.

The Regional Comprehensive Economic Partnership (RCEP) is a free trade agreement (FTA) currently under negotiation between the ten member states of the Association of Southeast Asian Nations (ASEAN) (Brunei, Burma (Myanmar), Cambodia, Indonesia, Laos, Malaysia, the Philippines, Singapore, Thailand, Vietnam) and countries with existing FTAs with ASEAN which includes Australia, China, India, Japan, South Korea and New Zealand.

The RCEP includes an intellectual property (IP) chapter with measures that threaten access to life saving essential medicines. Even though it does not include the United States, many of provisions appear to have been borrowed from the US-Korea free trade agreement and the Trans Pacific Partnership agreement. In April 2016, a leaked IP chapter (dated October 2015) verified that South Korea and Japan were pushing for data exclusivity, a measure that could delay regulatory approval for medicines that are off patent, and provisions that will lengthen medicine patent monopoly periods. This will only serve to delay the market entry of affordable generic medicines and goes well beyond the intellectual property protections required by the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).

This chapter is of particular concern as India's IP laws attempt to strike a fair balance between the rights of the patent holders and the need to provide affordable medicines to its citizens and people in the developing world. India is the world's largest producer of generic medicines and supplies more than 80% of generic anti-retro viral (ARV) medicine to treat HIV in low and middle income (LMIC) countries. Its generic medicine industry has reduced the cost of ARV medicines over time by up to 98%, vastly increasing access to medicines for those most in need. If India is forced to sign onto TRIPS plus measures, access to affordable generics of new essential medicines for a number of diseases for the world's poorest people in Sub Saharan Africa and other low and middle income countries will be seriously compromised. For example Malaysia provides Indian generic ARVs free of charge to their HIV positive population. It is highly unlikely that Malaysia could afford to sustain their HIV treatment program if they are unable to access Indian generics. RCEP also includes several LMIC that have large populations and economic pressures to ensure affordable access to medicines, such as Indonesia, the Philippines, Thailand, China and Vietnam. Least developed country (LDC) members Laos, Cambodia, and Myanmar are struggling to provide affordable access to medicines and have an extension in the WTO on pharmaceutical IP protection until 2033 (and are eligible to extend this period for as long as they are LDCs).

[UNAIDS](#) reports that only a third of the people in the Asia and Pacific region who need HIV treatment currently have access. If RCEP countries agree to elevated IP protection in RCEP, this figure could likely increase.

There is no justification for an intellectual property chapter in regional trade agreements such as the RCEP. We call on all negotiating governments to reject all TRIPS plus measures in the RCEP. In particular we call upon wealthier countries such as South Korea, Japan, Australia and New Zealand to resist pressing for IP provisions that threaten access to medicines for the world's poor.

Signatory civil society organisations

Organisation	RCEP country
MSF Access Campaign	Global
International Grail Global Justice Network	Global
People's Health Movement	Global
Public Services International - Oceania	Regional
Asia Pacific Research Network	Regional
Public Health Association of Australia	Australia
MSF Doctors Without Borders Australia	Australia
Australian Health Promotion Association	Australia
Caritas Australia	Australia
Australian Fair Trade and Investment Network	Australia
Community and Public Sector Union/SPSF	Australia
NSW Nurses and Midwives Association	Australia
Finance Sector Union of Australia	Australia
Missionaries of the Sacred Heart Justice and Peace Centre	Australia
Pax Christi Australia	Australia
Edmund Rice Centre	Australia
Catholic Religious Australia	Australia
Grail Australia Global Justice Network	Australia
N.S.W Retired Teachers' Association	Australia
Institute of the Sisters of Mercy Australia	Australia
Conference of Leaders of Religious Institutes in NSW	Australia
Textile Clothing & Footwear Union of Australia	Australia
Combined Pensioners & Superannuants Association	Australia
Retired Unionists Network	Australia
Sutherland Shire Environment Centre	Australia
Sisters of St Joseph	Australia
De La Salle Brothers	Australia
SS Peter & Paul Catholic Parish Social Justice Group	Australia
Bandanh Chatomok National MSM and TG network	Cambodia
Cambodian People living with HIV Network- Takeo	Cambodia
Cambodian Health Committee	Cambodia
Southeast Asia Development Program (SADP)	Cambodia
Committee to Promote Women in Politics	Cambodia
Social Action for Change	Cambodia
SILAKA	Cambodia
Women's Network for Unity	Cambodia
CamASEAN Youth's Future	Cambodia
Gender and Development for Cambodia	Cambodia
Worker's Information Center	Cambodia
The Messenger Band	Cambodia
Women's Network for Unity	Cambodia
Khmer HIV/AIDS NGO Alliance	Cambodia
Rainbow Community Kampuchea	Cambodia
ARV Users Association	Cambodia
KORSANG	Cambodia
National Coalition of PLHIV in India - NCPI+	India
The Delhi Network of Positive people	India

National Coalition of People living with HIV in India	India
UPNPplus	India
MGNP+	India
Maharajanj Positive Network	India
Maharaja DLN	India
Network of Maharashtra by People Living With HIV/AIDS - NMP+	India
Indonesia AIDS Coalition	Indonesia
la via campesina indonesia	Indonesia
Pacific Asia Resource Center (PARC)	Japan
Third World Network	Malaysia
Malaysian AIDS Council	Malaysia
Malaysian Council for Tobacco Control (MCTC)	Malaysia
Pertubuhan Islah Movement	Malaysia
Positive Malaysian Treatment Access & Advocacy Group (MTAAG+)	Malaysia
Consumers Association of Penang	Malaysia
Sahabat Alam Malaysia (Friends of the Earth Malaysia)	Malaysia
Cooperative Committee of Trade Union	Myanmar
Mana Movement	New Zealand
The Mana Party	New Zealand
New Zealand Nurses Organisation	New Zealand
Public Health Association of New Zealand	New Zealand
IBON Foundation	Philippines
Social Watch Philippines	Philippines
People's Health Movement Philippines	Philippines
Knowledge Commune	South Korea
IPLLEFT	South Korea
CHSC (Center for Health and Social Change)	South Korea
KFHR (Koean Federation of Medical Action Groups for Health rights)	South Korea
People's Health Movement KOREA	South Korea
Korean pharmacists for democracy society	South Korea
People's Health Institute	South Korea
Solidarity for HIV/AIDS Human Rights-NANURI+	South Korea
Trade Commission of MINBYUN-Lawyers for a Democratic Society	South Korea
Thai AIDS Treatment Action Group (TTAG)	Thailand
Thai Network of People living with HIV/AIDS (TNP+)	Thailand
Alternative Agriculture Network (AAN)	Thailand
Renal Failure Patient Group	Thailand
AIDS ACCESS Foundation	Thailand
Foundation for AIDS Rights	Thailand
Foundation for Consumers	Thailand
Rural Pharmacy Association	Thailand
Drug Study Group	Thailand
BioThai Foundation	Thailand
Ecological Alert and Recovery – Thailand (EARTH)	Thailand
Thai Holistic Health Foundation	Thailand
FTA Watch	Thailand
Foundation for Women	Thailand
Vietnam Network of People living with HIV	Vietnam

