

AFRICAN GROUP & THE TRIPS
AND PUBLIC HEALTH
NEGOTIATIONS : RECOLLECTIONS
OF A FORMER NEGOTIATOR .

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Secretariat of the African, Caribbean and
Pacific

(ACP) Group, Geneva

2. WHY AFRICAN GROUP LED PROCESS

heavy disease burden on the African continent

lack of manufacturing capacity

pharmaceutical companies suit against South Africa

conflicted others

3. AFRICAN GROUP REQUEST FOR TRIPS COUNCIL SPECIAL SESSION

ZIMBABWE , ON BEHALF OF THE
AFRICAN GROUP : (IP/C/M/30)

“...the African Group would like to bring into the TRIPS Council an issue that has aroused public interest and is being actively debated outside the WTO, but one which the Council cannot afford to ignore especially given the need to clarify the role of intellectual property rights protection in dealing with pandemics such as the one caused by AIDS and other life-threatening diseases.

.....

However, we wish to state categorically that, through the proposal that the African Group is going to make, the African countries neither intended to be accusatory or deliberately provocative.”

AFRICAN GROUP REQUESTS TRIPS
COUNCIL SPECIAL SESSION (IP/C/M/31)

CITED:

crisis of public perception about role
of the TRIPS Agreement

legal challenges by the
pharmaceutical industry and some
Members in national law and under
the DSU

need for legal clarity

4. AFRICAN GROUP PROPOSED WAY FORWARD AT SPECIAL SESSION (IP/C/M/31)

issue a special declaration on the TRIPS Agreement and access to medicines at the Ministerial Conference in Qatar:

affirming that nothing in the TRIPS Agreement should prevent Members from taking measures to protect public health

extending the transition period for the implementation of TRIPS for developing countries, with respect to patents

adopting a dispute settlement moratorium to allow Members to take measures to protect public health

5. S

6. WATCHING FROM THE SIDE -LINES

Big Pharma

7. AFRICAN GROUP /OTHER DEVELOPING COUNTRIES SPLIT

African Group proposal (IP/C/W/351)
amend Article 31 to allow exports of drugs produced under CL, including regional exports; exception under Article 30; moratorium

Brazil et al. proposal (IP/C/W/355)
interpret article 30 to allow government authorisation for exports, under certain safeguards

WHY AFRICAN GROUP PREFERRED AMENDMENT

best way to attain TRIPS
objectives/principles

best way to take into account TRIPS
and Declaration flexibilities

amendment of equal or comparable
weight to the problem

effective solution to insufficiency or
lack of manufacturing capacity

WHY AFRICAN GROUP AGAINST
AUTHORITATIVE INTERPRETATION OF
ARTICLE 30

article 30 is self-executing

8. AFRICAN FOOTPRINTS IN THE
DECISION (WT/L/540)

TRIPS amendment

THANK YOU FOR LISTENING
(INCLUDING THOSE WHO WERE SLEEPING !)