

until it's over
AIDS ACTION

1906 Sunderland Place, NW
Washington, DC 20036
202-530-8030 (P) 202-530-8031 (F)
www.aidsaction.org

President George W. Bush
White House
Washington, D.C.

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Dear President Bush,

On behalf of AIDS Action, the national voice on AIDS representing all Americans affected by HIV/AIDS and the 3,200 community-based organizations that serve them, I am writing to strongly encourage you to continue the previous Administration's Executive Order permitting parallel importing of AIDS drugs in sub-Saharan Africa. African nations ravaged by the AIDS pandemic deserve access to affordable drugs.

The arguments that support the reversal of this Executive Order misrepresent the magnitude of the AIDS crisis in the developing world. Sub-Saharan Africa is in the midst of the worst plague the modern world has ever seen. Twenty-five million men, women and children are living with HIV/AIDS in Africa. The cost of their treatment can be two to three times higher than the average GDP of some African countries, and easily outpaces the health budgets for many African nations. Nigeria, Tanzania and Ghana each have health budgets of \$8 US per person, per year.

Secretary of State Colin Powell said in his statement before the Senate Foreign Relations Committee: "These challenges affect our lives and demand our attention. We must recognize, for example, that global infectious diseases such as AIDS have the potential to devastate economies, governments, peoples, and regions. ... No longer is such devastation simply a cause for our sympathy, our charity, our reaching out to care for fellow humans - although these altruistic motivations are still vital to us as humans. Increasingly meeting such challenges successfully, appeals to even more basic instincts - caring for our own interests, paying attention to our own hope for survival on this earth."

To reverse the executive order is to override a compassionate and strategic response to a global health crisis. It is important to recognize that current agreements between the United States and countries crippled by the AIDS pandemic allow for flexibility in the pursuit of accessible HIV treatments. HIV medications remain financially unavailable to many nations that need them most, which is why the previous administration chose to hold developing nations to the less stringent World Trade Organization patent recommendations. Parallel importation and compulsory licensing offer sub-Saharan Africa hope for an affordable solution to the HIV/AIDS crisis.

World Trade Organization (WTO) patent policy is outlined in the Trade Related Aspects of Intellectual Property Rights (TRIPS). This international framework requires member nations to respect innovation, but balances that innovation with relief for countries devastated by extreme circumstances. Sub-Saharan African countries may issue compulsory licenses for AIDS medications in cases of national emergency. Standards in safety, quality and efficacy are not compromised. The WTO agreement also allows for countries devastated by the pandemic to engage in parallel importation.

The executive order targets this devastating and unique problem without compromising intellectual property rights. Compulsory licenses are granted without retribution from trading partners in cases of national emergency or circumstances of extreme urgency. Few would argue that the AIDS pandemic in sub-Saharan Africa does not constitute a circumstance of extreme urgency.

The suggestion that pharmaceutical companies will not continue to research innovative drugs and maybe, one day, a cure for AIDS, as a result of the limited reduction in profits is misleading. Companies continue to profit, even after investments in research and development. The ten largest US drug makers posted \$100 US million in profits last year. Biomedical research continues to enjoy broad domestic support from both the public and private sector.

Permitting parallel importation and compulsory licensing in Sub-Saharan Africa is critical in the fight against AIDS. These policies increase access to desperately needed HIV drug therapies. Do pharmaceutical companies deserve unrestricted access to profits regardless of the costs in human life?

As you so eloquently stated in your inaugural address: “America, at its best, is compassionate. In the quiet of American conscience, we know that deep, persistent poverty is unworthy of our nation's promise. ... I can pledge our nation to a goal: When we see that wounded traveler on the road to Jericho, we will not pass to the other side.” The compassionate solution seems clear. AIDS Action urges you to maintain this executive order.

Sincerely,

Claudia French
Executive Director