



FROM:
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France

TO:
Mr Chaiya Sasomsap
Minister of Public Health
Tiwanont Rd.
Talad Kwan District
Nontaburi Province 11000
Thailand

CC:
Mr Samak Sundaravej
Prime Minister
Government House
Nakornpratom Rd.
Dusit, Bangkok
Thailand 10300

Paris, February 18, 2008

Purpose: support to Thai government from French association of people living HIV/AIDS

Reference: Thai government efforts to defend access to medicines and compulsory licenses policy

Dear Minister Chaiya Sasomsap,

Newspapers have reported that your government is in the process of reviewing several compulsory licenses recently issued by the previous government.

At the end of 2006, Thailand decided to make use of its World Trade Organization right to issue compulsory licenses in order to ensure access to medicine for its population, and the sustainability of its universal medical coverage scheme.

In doing so, Thailand demonstrated its sense of accountability toward its population. We, in France, have been proud to see a country showing the courage to stand up to drug companies, and defend the health of people living with HIV/AIDS. Our own country, France, does not always show this courage, especially since the third-biggest drug company in the world is French.

By enforcing a thoughtful policy based on the country's public health needs in terms of access to medicine, Thai experts and political leaders offered an example to other countries showing that it is possible for developing countries to enforce international intellectual property while at the same time using lawful WTO flexibilities as needed (referring to Article 31 of the WTO Agreement on intellectual property, which was officially confirmed by the 2001 Doha Declaration of the WTO).

Through the media, we also took note of the fact that the patent-based pharmaceutical industry and its followers are trying to influence your new government by raising their usual threats (to

push for Thailand to be placed on the US "Priority Foreign Country" list, or for its GSP privileges to be limited, or to reduce investment in the country, etc). This immoral behavior leads us to convey you the following comments:

First, the pharmaceutical industry is not omnipotent, and cannot force either the USTR not the European Commission's Directorate-General for Trade to go against US and EU law itself, or to do whatever Big Pharma orders. Recent changes in US politics and US trade policy have demonstrated this (1).

The newly Democrat-dominated Congress is investigating Big Pharma in the US in a manner that no previous US government has ever dared (2), which shows that even in Washington the pharmaceutical lobby is no longer calling the shots. Finally, one must keep in mind that the pharmaceutical lobby is never satisfied : if Thailand gives now on compulsory licensing, Big Pharma will immediately start asking for further restrictions on generic medicines.

More importantly, the pharmaceutical industry's attacks against Thailand are lies. The Thai health policy is fully legal, and is greatly useful to the population. The French government has on its website an official communiqué of April 2007 supporting Thailand's compulsory license on ARVs (3). The supporters of public health are numerous, in man places ; they stood up with Thailand at the Doha WTO conference, and together won the battle ; they will yet again stand with Thailand if you resist the blackmail.

With this letter, we would like to express our support for your efforts to defend Thai people's access to affordable, generic medicines, and our hope that Thailand will not be intimidated by Big Pharma, and will pursue its access policy, basing its decisions on the interest of its people above all else.

Sincerely,
Emmanuel Chateau
Co-President
ACT UP-Paris, French association of people living with HIV
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(1) See for examples the changes made by the USTR in the US-Peru FTA. See for example:
<http://www.ip-watch.org/weblog/index.php?p=811>

(2) See for examples:
<http://thehill.com/leading-the-news/democrats-work-to-subpoena-fda-investigators-2008-01-29.html>
<http://dyn.politico.com/printstory.cfm?uuid=1517DB62-3048-5C12-00017FE1FCEC954F>
<http://www.pharmalot.com/2008/01/the-democrats-are-coming/>
<http://blogs.wsj.com/health/2008/01/16/congress-investigates-vytorin-ads/>
<http://www.democrats.org/page/community/post/elizabethberry/Cvms>

(3) http://www.diplomatie.gouv.fr/fr/actions-france_830/financements-innovants-du-developpement_14483/facilite-internationale-achat-medicaments_14484/recours-aux-licences-obligatoires-du-gouvernement-thailandais-pour-deux-anti-retroviraux-contre-vih-sida-26.03.07_48047.html