

GLOBAL VIEWS | GLOBAL HEALTH

Opinion: A UK-India trade deal could threaten generic medicines globally

By *Olusegun Obasanjo* // 25 October 2023



*Workers pack pharmaceuticals in Hyderabad, India.
Photo by: Fredrik Renander / Alamy*

Trade deals are about more than just economic relations. They are a way to strengthen global cooperation and enhance human development, including health. But they can also impact the economies and populations of countries not party to the agreements, even affecting human rights like the right to access vital medication.

This is why the world is watching as the United Kingdom and India enter the **final stages** of negotiations for a free trade agreement. India is a critical producer and exporter of generic medicines, **providing** 20% of global supply. Generic medicines **can** cut the cost of medicines by up to 80%, and for people in lower-income countries, Indian generics are a lifeline. Africa receives **over 50%** of its generic medicines from India. But this is a lifeline that a trade deal between India and the U.K. could cut short.

During my time as president of Nigeria, I saw the impact of Indian generics firsthand. In 1999, as I began my second term in office, Nigeria could not afford HIV treatment, even though we were experiencing one of the worst epidemics in Africa at the time. In the early 2000s, Indian generics **slashed** the price of treatment from more than \$10,000 a year per patient to just around \$365, a dollar a day. By 2008, India **supplied 84%** of Nigeria's antiretroviral HIV medicines, saving countless lives.

Nigeria is now one of the **top 5** importers of pharmaceuticals from India, spending **over half a billion dollars annually**. The U.K. also depends on the steady supply of these from India. A **third** of all generics used in the **U.K.'s National Health Service** actually come from India. Disruption to India's supply of generics is not in the interest of our patients or our health systems. However, this is what could happen if the U.K. does not change its current line in trade negotiations with India.

TRIPS-plus measures are not, as the British government might contend, reasonable measures to protect innovation.

Last year, it was **revealed** that the U.K. wants India to introduce sweeping changes to its intellectual property legislation as part of any trade deal. These proposals, which go far beyond the **Trade-Related Aspects of Intellectual Property Rights**, or TRIPS, agreement that governs global intellectual property rules, are known as **TRIPS-plus**.

The U.K.'s proposals could extend patent terms beyond the 20 years currently required under TRIPS. This would delay competition in the generics market. Likewise, the U.K. is proposing the repeal of Indian legislation allowing patents to be challenged before they are granted or extended. This would open the door for frivolous patents and enable companies to

“evergreen” their patented medicines with minor changes, causing further delays in access by lower-income countries. Recently, [Johnson & Johnson](#) sought to extend the patent on bedaquiline, a medicine for tuberculosis whose patent was about to expire. Indian groups successfully [challenged](#) the extension of this patent and generic manufacturers can now produce this medicine. The U.K.’s proposals would end India’s ability to challenge patents in this way.

TRIPS-plus measures are not, as the British government might contend, reasonable measures to protect innovation. All that the U.K.’s proposals will achieve is delaying generic competition for pharmaceutical companies. In other trade agreements, this has led to huge [cost increases](#) for [health systems](#), and catastrophic [delays](#) in accessing medicines. Put simply, it will come at the expense of lives in the global south.

The U.K.’s Global Health

[Framework](#) outlines its ambition to play a leading role in strengthening health globally and improving access to vaccines, tests, and treatments.

Health leadership, however, requires

recognizing that the impact of trade on health is not always positive. Instead of using this trade deal as an opportunity to promote global health, and access and affordability of medicines, the U.K. is threatening India’s ability to supply inexpensive quality medicines to the rest of the world.

The world has just emerged from a pandemic marked by global inequality. The lessons of the last three years are clear.

Governments must work together to ensure that countries can access the technology and know-how necessary to safely and

More reading:

- ▶ [Unitaid calls out J&J over tuberculosis drug patents](#)
 - ▶ [Activists worry drug access may be sacrificed in trade deals](#)
 - ▶ [Regulating India’s generic drugs is a life or death problem for Africa](#)
-

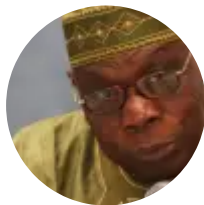
affordably manufacture and provide enough medical supplies to meet populations' needs. Trade deals should help, not hinder, this objective.

Free trade agreements should make it easier for all countries to access affordable medicines. They should ensure that health systems can respond to emerging threats, while continuing to provide routine health services. The U.K.-India trade deal is an opportunity for both countries to promote equity and the health of all populations. This will only be possible if TRIPS-plus measures are dropped.

[Global Health](#)[Private Sector](#)[Trade & Policy](#)[Nigeria](#)[United Kingdom](#)[India](#)

The views in this opinion piece do not necessarily reflect Devex's editorial views.

ABOUT THE AUTHOR



Olusegun Obasanjo

Olusegun Obasanjo served as president of Nigeria from 1976-1979 and 1999-2007. He led Nigeria's fight against AIDS, hosting the African Summit on HIV/AIDS in 2001, which led to the establishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria. He is a member of the Club de Madrid.

We use cookies to help improve your user experience. By using our site, you agree to the terms of our [Privacy Policy](#).

×