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

By Olusegun Obasanjo // 25 October 2023

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.

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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
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.

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

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