



## Legislation Text

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**File #:** Res 1846-2001, **Version:** \*

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Res. No. 1846

Resolution supporting South Africa's Medicine and Related Substance Control Amendment Act of 1997 which allows the South African government to provide affordable generic drugs to South Africans infected with HIV/AIDS

By Council Members Perkins, Lopez, Reed, Michels, Quinn, Miller, Freed, DiBrienza, Koslowitz, Linares, Marshall and Moskowitz and The Public Advocate (Mr. Green); also Council Members Eisland, Espada, Foster, O'Donovan, Rivera and Robinson

Whereas, According United Nations AIDS Program (UNAIDS) estimates, 4,200,000 men, women and children were living with HIV/AIDS in South Africa at the end of 1999; and

Whereas, Discoveries and improvements in anti-retroviral therapies have contributed to a significant decrease in the number of AIDS-related deaths, and have greatly increased the quality of life of HIV/AIDS patients; and

Whereas, The high cost of HIV/AIDS treatments, such as anti-retroviral therapy, is often prohibitive, especially in developing nations, thereby leaving millions to suffer and die, notwithstanding the availability of life-saving drugs; and

Whereas, In an effort make low-cost HIV/AIDS medications available to curb HIV/AIDS related illnesses and deaths, the Parliament of South Africa passed the Medicines and Related Substance Control Amendment Act in 1997 (Medicines Act), which allows the South African Minister of Health to acquire less costly medications through compulsory licensing and parallel importation; and

Whereas, Compulsory licensing allows a government to force patent holders to grant licenses in certain situations, including emergencies, and parallel importation allows goods to be purchased in foreign markets and resold domestically at much lower prices than those of authorized distributors; and

Whereas, The Pharmaceutical Manufacturers Association of South Africa (PMA) has challenged the validity of the Medicines Act in the highest court of South Africa, claiming that the Medicines Act violates the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS); and

Whereas, The challenge to the Medicines Act by the PMA is motivated by a desire to protect the profits of pharmaceutical companies without regard to the HIV/AIDS patients in South Africa who are in dire need of affordable medication for their survival, and as such is contrary to humanitarian principles; now, therefore, be it

Resolved, That the Council of the City of New York supports South Africa's Medicines and Related Substance Control Amendment Act of 1997 which allows the government of South Africa to provide affordable generic drugs to South Africans infected with HIV/AIDS.

JM:ts  
3/27/01  
LS#4094

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