The Doha Round was initiated in 2001 with an expectation that negotiations will be completed by end of 2005. By September 2003, it had become obvious that the deadline was unrealistic, as negotiations had come to a grinding halt. If negotiators hoped for an early re-start after Cancun that too, proved impossible. For nearly a year the fate of the Doha Round hung in the balance. Finally the July 2004 Framework Agreement restarted negotiations with an expectation that, if not by the original deadline, the Doha Round will ultimately be brought to a close at some later date. Cancun, at this stage, marks not a tragic watershed for multilateral trade policy but a temporary setback that may, indeed, produce a more balanced and equitable outcome for all members of the World Trade Organization (WTO). A key test of members’ commitments to find common ground will be the sixth ministerial meeting of the WTO in Hong Kong in December 2005. To appreciate the pitfalls and potential, we need to examine and explore the issues and negotiating agenda of the Doha Round as well as domestic political difficulties confronting negotiators.

The agenda for the Round is vast and, as the officially designated development round, a test of its success will be outcomes that deliver real benefits to developing countries. Apart from expectations that agriculture will be liberalized, developing countries to expect to negotiate a fair deal on access to drugs, complicated by the earlier Uruguay Round agreement on trade related intellectual property (TRIPs). In this chapter, I will look at issues surrounding trade in pharmaceuticals and, in Chapter 6, discuss the many complications that have plagued negotiations to liberalize agricultural trade.
The Doha ministerial meeting that initiated negotiations also produced a declaration on TRIPs and Public Health that recognized the gravity of public health issues in developing countries and the obstacles to treatment posed by the TRIPs regime. The agreement on intellectual property was part of the Uruguay Round Agreement and has become the third pillar of the WTO, alongside trade in goods and services. When it was negotiated, some governments, like India, opposed its restrictive implications but few recognized its full potential import. According to Arvind Subramanian TRIPs has “turned out to be among the more significant elements of international cooperation and treaty making in the past decade.” Under TRIPs, member countries are obliged to protect technological innovations for a period of 20 years. The agreement has made it difficult for developing countries to access cheap generic medicines produced under license by other countries, even though the TRIPs agreement includes formal provisions for compulsory licensing especially where matters of public health are concerned. Recognizing the health consequences of trade restrictions, the Doha Declaration stated in paragraph 4 that:

We agree that TRIPS agreement does not and should not prevent Members from taking measures to protect public health. Accordingly, while reiterating our commitment to the TRIPS Agreement, we affirm that the Agreement can and should be interpreted and implemented in a manner supportive of WTO Members’ right to protect public health and, in particular, to promote access to medicines for all.

This was significant because the TRIPs Agreement had become, as developing countries feared, an instrument of the West to “prevent them from addressing their public health needs.” The United States (US) threatened sanctions against South Africa and took Brazil to WTO dispute settlement mechanism to prevent them from using generic antiretroviral medicines (ARV) to treat human immunodeficiency virus (HIV) infections. The US was forced to withdraw under intense international pressure and to avert a public relations disaster but these actions were indicative of dangers inherent to the TRIPs regime.

**TRIPs and access to affordable pharmaceuticals**

In order to be able to provide adequate health treatment, developing countries have argued for access to cheaper generic drugs but stiff American opposition has stymied their demands. The Doha Declaration