

**ACCESS TO HIV/AIDS TREATMENT IN SUB-SAHARAN AFRICA:  
PATENTS, TRIPS AND BEYOND**

**A Thesis  
Submitted to the  
Stanford Program in International Legal Studies  
At Stanford Law School,  
Stanford University  
In Partial Fulfillment of the Requirements  
For the Degree of  
Master of the Science of Law**

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May 2004**

**REGISTRAR'S OFFICE**

**MAY 03 2004**

**STANFORD LAW SCHOOL**

## ABSTRACT

Since the outbreak of the AIDS pandemic over two decades ago, the disease has taken the lives of more than 25 million people worldwide. It is estimated that there are about 40 million people living with HIV/AIDS in the world today. Approximately 26.6 million of them, almost 70%, are from sub-Saharan Africa. Although existing drugs, which are quite common in the Western world, can prolong the lives of the AIDS-afflicted and substantially increase their quality of life, in 2003 only 100,000 of the adult population living with HIV/AIDS in Africa received antiretroviral treatment (*i.e.*, 2%). This data raises the need to investigate the major factors preventing access to antiretroviral treatment in sub-Saharan Africa. The paper explores the key barriers to treatment, as recognized by both legal and medical scholarship, with a special emphasis on the TRIPS agreement and patent rights that have been at the core of the debate thus far. The paper further analyzes and evaluates key solutions, legal and non-legal, that have been proposed to improve access to essential medications in sub-Saharan Africa. The paper suggests that there is need to acknowledge that lack of access to drugs is a multi-faceted problem, rather than simply a patent problem. Accordingly, the problem requires a multi-faceted solution that takes into account its various aspects: legal, political, cultural and financial. The paper, therefore, proposes additional paths that take into consideration the various aspects of the problem and the different needs and interests of both the developing countries and the pharmaceutical industry.

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