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A thesis submitted in partial fulfilment of the requirements for the degree in Doctor of Philosophy in Communication and Journalism at Massey University Wellington New Zealand

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Abstract

In the mid-1990s a transnational civil society campaign emerged to advocate greater essential medicines access for the majority world. The campaign mobilised on a variety of fronts, but in particular around the argument that intellectual property protection was the central impediment to equitable medicines access. The campaign argued that strong patent protection created artificially high medicine prices, and that, in the case of global HIV/AIDS, such prices prohibited medicines access for the vast majority of those in need of it. The major pharmaceutical companies disagreed, arguing instead that absolute patent protection was essential for new medicine development. When a coalition of pharmaceutical companies sued the South African government over generic medicines access in 1998, the dispute became crystalised into a dramatic mediatised conflict.

This thesis examines press coverage of the medicines access dispute in key United States, British and South African news outlets over the years 1997 to 2003. Adopting Laclau and Mouffe’s discourse theory as a macro-theoretical guide, the thesis conceptualises the media space as a field of contestation between opposed political projects seeking to hegemonically articulate their particular discourse. Prior commentary on the medicines access dispute has suggested media coverage was a key driver in publicising the civil society campaign's message. This thesis contributes previously missing empirical data to such claims, addressing the questions: did the news media discourse on HIV/AIDS medicines transform to better reflect the civil society campaign's arguments over those of the major pharmaceutical companies? If so, what were the principal factors influencing this transformation?
Through corpus-assisted discourse analysis of a sample of 1,113 newspaper articles, and consideration of personal testimonies from key journalists and activists, the thesis argues the media discourse did indeed transform in favour of the civil society campaign. However, while the campaign was successful in promoting a patent-based definition of the crisis, the solution most widely adopted was one that increased aid funding and decreased medicines prices, but which left the intellectual property infrastructure largely intact. In this way, the thesis documents both the successful articulation of a counter-hegemonic discourse within the news media, as well as the process by which this challenge was reabsorbed into pre-existing power structures.
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Ngā mihi nui kia Io, nāna te kore, nāna te pō, nāna hoki te ao i whakatinana. E mihi ana, e mihi ana.

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# Table of Contents

Abstract......................................................................................................................................... i

Acknowledgments......................................................................................................................... iii

List of Figures................................................................................................................................ xi

List of Abbreviations and Acronyms............................................................................................ xiii

## Chapter One: Introduction

1.1 Introduction ............................................................................................................................. 1

1.2 Locating the Argument ........................................................................................................... 5

1.3 Motivation and Contribution ................................................................................................. 7

    1.3.1 Importance of the Research ......................................................................................... 7

    1.3.2 Contribution to Literature ......................................................................................... 10

1.4 Theoretical and Methodological Approach .......................................................................... 12

    1.4.1 Discourse Theory .......................................................................................................... 12

    1.4.2 Multi-Perspectival Methodological Approach .......................................................... 15

    1.4.3 Newspaper Sample ....................................................................................................... 16

    1.4.4 Corpus-Assisted Discourse Studies ............................................................................ 17

    1.4.5 Document Analysis and Key Informant Interviews .................................................. 18

    1.4.6 Contingency of the Research Approach .................................................................... 19

1.5 Thesis Structure ..................................................................................................................... 21

## Part I: Background and Context

**Chapter Two: Theoretical and Methodological Approach:**
**Discourse, Hegemony and Corpus-Assisted News Analysis**

2.1 Introduction ............................................................................................................................ 34
Chapter Three: Background and History: Intellectual Property Rights, Pharmaceuticals, and the ‘Access to Medicines’ Campaign

3.1 Introduction ................................................................................................................. 80

3.2 Intellectual Property, the WTO, and Big Pharma ...................................................... 81

  3.2.1 Intellectual Property Rights: “Dancing the Dual Distortion” ........................................ 81

  3.2.2 Governance of IPRs: The National Phase................................................................. 82

  3.2.3 Governance of IPRs: The International Phase.......................................................... 84

  3.2.4 The Global Phase of IPRs: TRIPS, the WTO and Big Pharma .................................... 85
3.2.5 ‘Pirates’: The Antagonistic Other ................................................................. 89
3.2.6 Big Pharma Profile ......................................................................................... 91
3.2.7 “Extra-Institutional Pressures” and Breaking Counter-Hegemonic Chains of Equivalence ........................................................................... 93

3.3 HIV/AIDS, the ‘Access to Medicines’ Campaign, and the South African Medicines Act ......................................................................................................... 96
3.3.1 Global HIV/AIDS and Antiretroviral Treatment ........................................ 96
3.3.2 The ‘Access to Medicines’ Campaign ............................................................ 99
3.3.3 CPTech and Jamie Love ............................................................................... 102
3.3.4 Extended Chain of Equivalence ................................................................... 104
3.3.5 South Africa and the Medicines Act ............................................................. 106

3.4 Conclusion ............................................................................................................ 111

Chapter Four: News Media and Voices of Dissent: A Media and Communication Studies Literature Review

4.1 Introduction ......................................................................................................... 114
4.2 Protest and the Mainstream News Media .......................................................... 117
4.2.1 Routine Journalistic Practice ....................................................................... 119
4.2.2 News Media Business ............................................................................... 122
4.2.3 News Media Ideology ............................................................................... 124
4.3 The Marginalising Tendency Destabilised .......................................................... 126
4.3.1 Spectacle ..................................................................................................... 126
4.3.2 Conflict ........................................................................................................ 128
4.3.3 Celebrity ...................................................................................................... 129
4.3.4 Reflexive Conditioning and the Dangers of Media Co-Option ..................... 130
4.4 Global Governance, Civil Society and News Media .......................................... 133
4.4.1 From Government to Governance............................................... 133
4.4.2 Civil Society: The 'Third Sector'.................................................. 134
4.4.3 Non-Governmental Organisations and Neoliberalism .......... 136
4.4.4 Global Governance, Civil Society and News Media............. 140
4.5 Conclusion.................................................................................... 144

Part II: Empirical Analysis

Chapter Five: Al Gore vs. ACT UP 1999: Reactivating Hegemonic Discourse in the News Media
5.1 Introduction ............................................................................... 150
5.2 Reactivation ............................................................................... 153
5.3 The Dominant Discourse: Big Pharma and TRIPS-Plus........... 156
  5.3.1 Piracy and Theft: The Generic Medicines Antagonist.......... 160
  5.3.2 Compulsory Licensing: The Return of the Excluded .......... 162
5.4 The South African Medicines Act, Al Gore and ACT UP.......... 164
5.5 News Media Coverage............................................................... 167
  5.5.1 News Representation of the Anti-Gore Protests................. 171
5.6 Reactivation and the Signifying Practices of the News Media... 177
5.7 Protest Strategies and Media-Reflexive Conditioning.............. 181
5.8 Conclusion.................................................................................... 184

Chapter Six: The PMA vs. South Africa 2001: Medicines Access and Mediatised Dislocation
6.1 Introduction ............................................................................... 188
6.2 Mediatised Dislocation............................................................... 190
6.3 The PMA vs. South Africa.......................................................... 195
8.3.1 Implication for Civil Society Campaigns ........................................... 282
8.3.2 Contribution to Research on News Media and Voices of Dissent .......................................................................................... 285
8.3.3 Contribution to Theoretical Inquiries into Hegemony and Social Change ................................................................................. 286
8.3.4 Contribution to Discourse-Theoretical Media Analysis .......... 288
8.3.5 Contribution to Interdisciplinary Research on Global Medicines Access ....................................................................................... 286
8.3.6 Contribution to Research on News Media and HIV/AIDS ...... 289
8.4 Reflections on Research Design ................................................................. 290
  8.4.1 Discourse Theory Ontology ................................................................. 290
  8.4.2 Methodological Strategies ................................................................. 291
  8.4.3 Thesis Structure ................................................................................. 293
8.5 Suggestions for Future Research ............................................................... 295
  8.5.1 Extension of Chapter 7 ....................................................................... 295
  8.5.2 Global Governance and Global Journalism .................................. 296
  8.5.3 Mediatised Dislocation ..................................................................... 297
  8.5.4 The Medicines Access/IPRs Dispute ................................................. 298
8.6 Conclusion ............................................................................................... 299

Appendix: "AIDS Drugs" corpus news articles cited in-text .................. 301

References ........................................................................................................ 307
List of Figures

Figure 1  p. 44  Theoretical-methodological approach of the study

Figure 2  p. 62  The global news media ecology (from Cottle, 2006, p. 51)

Figure 3  p. 168  Percentage of US and UK news articles featuring linguistic signifiers for ‘patent’ and ‘intellectual property’, 1997-2000

Figure 4  p. 169  Percentage of US and UK news articles featuring linguistic signifiers for ‘generic’, 1997-2000

Figure 5  p. 169  Percentage of US and UK news articles featuring linguistic signifiers for ‘trade’, 1997-2000

Figure 6  p. 170  Quantity of “AIDS drugs” articles per news outlet, 1997-2003

Figure 7  p. 171  Comparative concordance of linguistic signifiers for ‘patent/intellectual property’, ‘generic’ and ‘trade’ in US and UK outlets, 1997-2000

Figure 8  p. 200  Quantity of “AIDS drugs” news articles across all news outlets, 2001

Figure 9  p. 201  Quantity of “AIDS drugs” articles per news outlet, 2001

Figure 10  p. 203  “AIDS drugs” article location in The New York Times, 1997-2003


Figure 12  p. 205  Quantity of “AIDS drugs” articles across all news outlets featuring linguistic signifiers for ‘patents’, ‘intellectual property’, ‘generics’ and ‘trade’, 1997-2003

Figure 13  p. 205  Quantity of concordances of linguistic signifiers for ‘patents’, ‘intellectual property’, ‘generics’ and ‘trade’ in “AIDS drugs” articles across all news outlets, 1997-2003

Figure 14  p. 206  Percentage of all “AIDS drugs” articles in US and UK news outlets that refer to South Africa, India, Brazil, Uganda and/or China, 1997-2003
Figure 15  p. 215  ‘Access to Medicines’ IPR-centric discourse: Defining the HIV/AIDS medicines access crisis through a series of counter-hegemonic demands

Figure 16  p. 216  Big Pharma poverty-centric discourse: Defining the HIV/AIDS medicines access crisis in response to ‘Access to Medicines’ challenge

Figure 17  p. 242  The ‘morphogenetic cycle’ of TRIPS’ structural elaboration (from Sell, 2003, p. 25)

Figure 18  p. 247  Number of people receiving antiretroviral drugs in low- and middle-income countries, 2002-2007 (from UNAIDS, 2008a, p. 131)

Figure 19  p. 248  Effects of generic competition on ARV prices, 2000-2005 (from Médecins Sans Frontières, 2005, p. 10)

Figure 20  p. 253  Comparative percentages of articles featuring linguistic signifiers for ‘patents’, ‘intellectual property’, ‘generics’ and ‘trade’, 1997-2003

Figure 21  p. 259  ‘Medicine Prices’ as a floating signifier between rival ‘Access to Medicines’ and ‘Big Pharma’ hegemonic projects
List of Abbreviations and Acronyms

3TC      lamivudine
ABIA     Associação Brasileira Interdisciplinar de AIDS
ACTPN    United States President’s Advisory Committee for Trade Policy and Negotiations
ACT UP   AIDS Coalition to Unleash Power
AGOA     Africa Growth & Opportunity Act
AIDS     Acquired Immune Deficiency Syndrome
ARV      antiretroviral
AZT      zidovudine
CADS     corpus-assisted discourse studies
CBO      United States Congressional Budget Office
CDA      critical discourse analysis
CL       corpus linguistics
CPTech   Consumer Project on Technology
CSO      civil society organisation
d4T      stavudine
Doha Declaration World Trade Organisation Declaration on TRIPS and Public Health
DTA      discourse theoretical analysis
EDL      Essential Drugs List
FDA      United States Food & Drug Administration
FTA      free trade agreement
EU       European Union
G8       Group of Eight
GAO      United States Government Accountability Office
GATT     General Agreement on Tariffs and Trade
GDP      gross domestic product
GIV      Grupo de Incentivo à Vida
Global Fund The Global Fund to Fight AIDS, Tuberculosis and Malaria
GSK      GlaxoSmithKline
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>GSP</td>
<td>Generalised System of Preferences</td>
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<tr>
<td>HAART</td>
<td>highly active antiretroviral treatment</td>
</tr>
<tr>
<td>HAI</td>
<td>Health Action International</td>
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<tr>
<td>HIV</td>
<td>human immunodeficiency virus</td>
</tr>
<tr>
<td>IFPMA</td>
<td>International Federation of Pharmaceutical Manufacturers &amp; Associations</td>
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<tr>
<td>IIPA</td>
<td>International Intellectual Property Alliance</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
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<tr>
<td>IP</td>
<td>intellectual property</td>
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<tr>
<td>IPC</td>
<td>Intellectual Property Committee</td>
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<td>IPR</td>
<td>intellectual property right</td>
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<tr>
<td>KEI</td>
<td>Knowledge Ecology International (formerly CPTech)</td>
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<tr>
<td>LDC</td>
<td>Least Developed Country</td>
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<tr>
<td>Medicines Act</td>
<td>Medicines and Related Substances Control Amendment Act of South Africa</td>
</tr>
<tr>
<td>MSF</td>
<td>Médecins Sans Frontières</td>
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<tr>
<td>NAFTA</td>
<td>North American Free Trade Agreement</td>
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<tr>
<td>NGO</td>
<td>non-governmental organisation</td>
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<tr>
<td>NIH</td>
<td>United States National Institute of Health</td>
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<td>NME</td>
<td>new molecular entity</td>
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<tr>
<td>NWICO</td>
<td>New World Information &amp; Communication Order</td>
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<tr>
<td>PEPFAR</td>
<td>United States President’s Emergency Plan for AIDS Relief</td>
</tr>
<tr>
<td>PhRMA</td>
<td>Pharmaceutical Research &amp; Manufacturers Association of America</td>
</tr>
<tr>
<td>PMA</td>
<td>South African Pharmaceutical Manufacturers Association</td>
</tr>
<tr>
<td>QUNO</td>
<td>Quaker United Nations Office</td>
</tr>
<tr>
<td>R&amp;D</td>
<td>research and development</td>
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<tr>
<td>REBRIP</td>
<td>Rede Brasileira pela Integração dos Povos</td>
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<tr>
<td>SAPA</td>
<td>South African Press Association</td>
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<tr>
<td>TAC</td>
<td>Treatment Action Campaign</td>
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<td>TRIPS</td>
<td>Agreement on Trade-Related Aspects of Intellectual Property Rights</td>
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<td>TWN</td>
<td>Third World Network</td>
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<tr>
<td>Abbreviation</td>
<td>Full Form</td>
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<tr>
<td>UK</td>
<td>United Kingdom</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNAIDS</td>
<td>Joint United Nations Programme on HIV/AIDS</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<tr>
<td>UNICE</td>
<td>European Union of Industrial and Employers’ Confederations</td>
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<tr>
<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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<tr>
<td>US</td>
<td>United States</td>
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<tr>
<td>USAID</td>
<td>United States Agency for International Development</td>
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<tr>
<td>USD</td>
<td>United States Dollars</td>
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<tr>
<td>USTR</td>
<td>United States Trade Representative</td>
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<tr>
<td>WHA</td>
<td>World Health Assembly</td>
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<td>WHO</td>
<td>World Health Organisation</td>
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<tr>
<td>WIPO</td>
<td>World Intellectual Property Organisation</td>
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<tr>
<td>WTO</td>
<td>World Trade Organisation</td>
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