

# Brazil Slams U.S. on AIDS Program, Declares Health Care a Universal Right

by Our Special Correspondent

Following an April 30 report issued by U.S. Trade Representative (USTR) Robert Zoellick, in which Brazil's patent law is attacked, Brazil's Health Minister called Zoellick a frontman for international pharmaceutical companies, and said that Brazil's successful anti-AIDS program will not be stopped. The Cardoso government made clear that it is preparing for a showdown with the Bush Administration over this issue.

Brazilian Health Minister José Serra issued a statement on May 1, which says that the Brazilian AIDS program, acknowledged as one of the best in the world, exists "thanks to the determination of the Fernando Henrique Cardoso government to reduce the costs of medicines. And this determination will be maintained. There is no thought of any retreat by the government in this area. The U.S.A. is not accustomed to having Latin American countries, also, defend their interests." Serra said, "It is necessary to make clear that if any country in the Americas deserves to be called protectionist, it is the U.S.A." The USTR is not defending free trade, but the pharmaceutical industry, "which has a disproportionate weight in the Bush Administration," he said.

Brazil's patent law permits compulsory licensing (allowing others to produce a patented product without the patent owner's permission) if patent holders either fail to produce those products within three years, or if they engage in abusive pricing policies.

The head of Brazil's AIDS program, Dr. Paulo Teixeira, in New York City to prepare for a June UN Special Assembly on AIDS, called a press conference to slam Zoellick for the April 30 report. The implied threat of trade action against Brazil "is a clear change in the attitude and the position of the American government," Dr. Teixeira said. "They say that there are some good AIDS program in the world, and they exclude Brazil from that, and we know why."

Dr. Teixeira has been leading an international campaign on behalf of the principle that all people and countries, no matter how poor, have a *right* to access to medical treatment and affordable medicines. At an April 8-11 World Health Organization and World Trade Organization "Workshop on Differential Pricing and Financing of Drugs," Teixeira proposed an international agreement to protect national legisla-

tion allowing local production of strategic drugs in specific situations, such as the HIV/AIDS pandemic.

The United States opposes Brazil's policy of producing generic drugs to contain the cost of medicines; yet, Serra noted, the United States itself produces generics. "Brazil is not doing anything which the U.S. is not doing," he said.

## 'Full Power of U.S. Law'

"This administration will not hesitate to use the full power of U.S. and international law" to enforce Brazil's adherence to free trade, Zoellick had threatened in releasing the so-called "301" report. The section on "Intellectual Property and Health Policy" is a frontal attack on Brazil's anti-AIDS program. The USTR is "informing countries" facing serious health emergencies, such as AIDS, that they need a "comprehensive approach. . . . Countries need to stress education and prevention. The cost of drugs is but one of many important issues that must be addressed," the report states. "Some interested parties blame only the pharmaceutical companies" for the lack of access to medicines, but the USTR declares that the United States is committed to a policy of assuring "financial incentives" for the pharmaceutical companies, and that it will actively defend their "intellectual property rights."

The USTR's suit wants Article 68 of Brazil's patent law abolished, or else, because it "is discriminating against all imported products in favor of locally produced products. In short, Article 68 is a protectionist measure intended to create jobs for Brazilian nationals."

But, the fact that the United States is pushing prevention rather than treatment of AIDS cases for Third World countries, is used by the World Bank et al. to justify killing by cost-cutting. Dr. Teixeira reported recently, that when Brazil began its program of free distribution of anti-retroviral drugs, it was told that it "could not afford to spend so much on infected people. It should concentrate its small resources on prevention of AIDS. . . . The poor countries, in the name of economic rationality, must consider their infected as lost causes." Brazil's program proved the best prevention around. Distributing the anti-retroviral medicines reduced the transmission rate of the virus; the number of people in Brazil with

HIV/AIDS is half, in 2001, of what had been projected earlier in the 1990s; the death rate has fallen by about 50%; hospitalizations are down 75%.

### **UN: Health Care Is a Human Right**

A resolution presented by Brazil, entitled “Access to Medication in the Context of Pandemics Such As HIV/AIDS,” declaring that there is a universal human right to the highest attainable standard of physical and mental health, was voted up by all the members of the UN Human Rights Commission, except the United States, on April 12. Not coincidentally, the United States was subsequently removed from the Commission for the first time since its formation in 1947, by a vote of its members on May 1.

To ensure the enjoyment of that human right, says the resolution, all states should foster “public health policies which promote broad access to safe, efficient, and affordable preventive, curative, or palliative pharmaceuticals and medical technologies.” The resolution speaks to the issue of principle on which the battle over D.C. General Hospital in America’s capital city, is being fought.

The resolution notes that the HIV/AIDS pandemic had claimed 21.8 million lives by the end of 2000, with more than 36 million others infected. Then, it says, “Emphasizing, in view of the increasing challenges presented by pandemics such as HIV/AIDS, the need for intensified efforts to ensure universal respect for and observance of human rights and fundamental freedoms for all, including by reducing vulnerability to pandemics such as HIV/AIDS,” the signers “recognize that access to medication . . . is one fundamental element to achieve progressively the full realization of the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.”

The resolution calls upon states to pursue policies which promote the “availability in sufficient quantities of pharmaceuticals and medical technologies used to treat pandemics such as HIV/AIDS,” and ensure their “accessibility” and “affordability” for “all without discrimination, including the most vulnerable sectors of the population . . . [such as] socially disadvantaged groups.”

Furthermore, states should “refrain from taking measures which would deny or limit equal access for all persons” to these medicines and technologies, including in other countries, and should “adopt all appropriate positive measures to the maximum of the resources allocated for this purpose so as to promote effective access to such preventive, curative, or palliative pharmaceuticals or medical technologies.”

By contrast, the contract signed by the District of Columbia Financial Control Board, handing over the capital city’s public health system to a corrupt, private contractor, takes the exact opposite approach. The fifth “Whereas” clause, on the very first page of the contract, declares that “this Agreement does not create an entitlement to health care in the recipients of health care services hereunder.”

## Alexander Hamilton’s Specter Stalks Brazil

by Silvia Palacios and Lorenzo Carrasco

The keynote speech given by Brazilian President Fernando Henrique Cardoso, at the Third Summit of the Americas held on April 20 in Quebec City, Canada, hit the entire Anglo-American establishment like a bath of ice water, by attacking the premise that a Free Trade Area of the Americas (FTAA) is the only direction for nations to go. The speech was stunning, not merely because it opposed the establishment’s neo-colonialist intentions, but because it came from Professor Cardoso, until now considered — as a founding member of the Inter-American Dialogue — the establishment’s most important and respected interlocutor in South America.

This turn in Brazilian foreign policy, as manifested in Quebec City, is a reflection of the new wave of economic nationalism that has surfaced in Brazil in response to Anglo-American zeal in establishing, at all cost, a system for economic looting in the hemisphere, that can save the elites from inevitable financial disaster.

Cardoso was clear in his opposition to the idea of domination: “Neither hemispheric integration nor the globalization process can mean an inexorable descent into cultural homogeneity. In this plan, diversity is a value in itself. But if we wish to move toward effective hemispheric integration, then we must undertake the task of eliminating that diversity which is unjust: the profound inequality of income and of living conditions, both within and among countries. Our objective should be that of a Community of the Americas. And ‘community’ presupposes an awareness of a common destiny and, therefore, the elimination of inequality and the guarantee of equal opportunities for all. It also presupposes recognition that the historic pathways taken by each people in molding their economic institutions may vary. There is no single way of thinking that can dictate the direction of nations.”

In openly questioning the FTAA, Cardoso declared that “we have successfully built Mercosur [the South American Common Market], which for Brazil is an absolute priority, a conquest that is here to stay, and will not cease to exist with participation in integration schemes of a broader geographic reach. The FTAA will be welcome if its creation is a step toward providing access to more dynamic markets; if it is effectively the path to shared anti-dumping regulations and reduced non-tariff barriers; if it avoids the protectionist misuse of good sanitation regulations; if, in protecting intellectual property, it simultaneously promotes the technological capabilities of our peoples. And further, if it goes beyond the