

Death By Dividend

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COATEPEQUE, Guatemala - In this impoverished corner of southwestern Guatemala, lush with jungle and burbling brooks, you can just about see people dying as an indirect result of America's trade agenda.

Even now, some governments in Central America choose to let their people die rather than distribute cheap generic AIDS drugs, which would save more lives but might irritate the U.S. And now America is trying to make it more difficult for these countries to use generic drugs.

That's why I decided to write about the Free Trade Area of the Americas, or F.T.A.A., not from Miami, where the negotiations were under way this week, but from rural Guatemala. Here it's easier to appreciate the stark choice that we Americans face: Do we want to maximize profits for U.S. pharmaceutical companies, or do we want to save lives?

American trade negotiators, in both the Clinton and Bush administrations, have pushed U.S. interests in a narrow economic sense by making it difficult for poor nations to use cheap generic medicines. In front of the television cameras, the U.S. has made some concessions to public health needs, but the compassion usually vanishes in trade negotiations.

The public drafts of the F.T.A.A. clearly place the priority on patents over public health, and the word is that the (still secret) draft text of a Central American Free Trade Agreement should also embarrass us.

"An F.T.A.A. agreement with strong I.P. [intellectual property] provisions threatens to have a catastrophic impact on the lives of millions of people living with H.I.V./ AIDS and other diseases," warns Doctors Without Borders, the Nobel Peace Prize-winning aid group.

I know, I know. Mention "intellectual property" and eyes glaze over. But meet the people whose lives are at stake.

Juan Emiliano Sánchez, 51, may be too far gone to be saved. A farmer with a son in San Rafael, Calif., Mr. Sánchez has advanced AIDS and is so frail that he can barely walk. "I really want to fight this as long as I can," he said, his face glistening with a feverish sweat, but it looks as if that won't be long.

María Gloria Gerónimo is a different story. A 27-year-old hotel maid, she was infected with H.I.V. by her husband, and she in turn passed the virus to their son, Rony, during childbirth. Desperate to save Rony's life, Ms. Gerónimo trekked around Guatemala until

she found an AIDS clinic where Doctors Without Borders uses generic antiretrovirals to treat AIDS. Both she and Rony, who is now 5, are strong again.

Should drug company profits be more important than the lives of Mr. Sánchez, Ms. Gerónimo and Rony?

"I don't understand how it's in the interests of Americans to pursue policies that are going to lead to the deaths of tens of thousands, maybe even millions," says Robert Weissman, an intellectual property lawyer in Washington who is co-director of Essential Action, which monitors trade agreements.

The U.S. trade officials I spoke with vigorously deny that they are insensitive to third-world health needs. But almost every expert I spoke to outside the U.S. government said that the U.S. continued to place hurdles in front of the use of generics to save lives.

Even now, ahead of the F.T.A.A., Guatemala and Honduras avoid using generic antiretrovirals for fear of offending the U.S. Guatemala, for example, has 67,000 people, including 5,000 children, with H.I.V. or AIDS. Most will die. Astonishingly, the country spends most of its scarce AIDS money on brand-name drugs rather than cheaper generics, which could treat three times as many people. Honduras does the same, preferring to let people die than use generics.

Why would these countries do this? The doctors and public health officials I interviewed said that Central American nations had a strong desire to curry favor with Washington, which is perceived as hostile to generics.

I'm a firm believer in trade agreements, and the U.S. trade representative, Robert Zoellick, has done an excellent job promoting them -- and, he's the only one in the Bush administration paying attention to Latin America. But I find it appalling that we Americans are putting a priority on patents rather than patients, and that we are prepared to sacrifice sick people like Mr. Sánchez, Ms. Gerónimo and Rony -- just so companies like Bristol-Myers Squibb can increase their dividends.