

# Opinion - Look what's hidden in trade deal

Friday, August 20, 2004

**GREGG HERRINGTON**, *Columbian staff writer*  
**The Columbian**

Lord knows we've all got enough to worry about these days, what with the war in Iraq, the jobs outlook, our 401(k) accounts, the climate and the legal woes of Michael Jackson, Kobe Bryant, Ken Lay and Martha Stewart.

But sometimes it's instructive to look under the radar and see what's there, too. At risk of readers bailing out of this column, I offer this: the Central American Free Trade Agreement (CAFTA).

Are you still with me? Good. Now, assume you or your pension fund or your 401(k) have stock in a U.S. drug company that has developed and marketed a brand-name medicine.

Further assume that after years of exclusivity, during which stockholders made a bundle, the patent expires. The "intellectual property," as it is called, becomes part of the public domain and generic manufacturers begin producing low-cost versions for poor Central American countries. Would that leave you feeling cheated as a stockholder or would it be OK, or even better than OK?

Say hello to Marta Solis

Such a scenario is the reason 40-year-old Marta Solis of Guatemala is alive today, 12 years after being diagnosed with HIV. In two years she had deteriorated badly and in 1994 moved from her rural home to the capital of Guatemala City to be close to medical treatment

A young man from Vancouver and a woman from Seattle who met Marta wrote, "Two priests helped her find a place to live where she could die with dignity. They found a hospice and orphanage called Casa San Jose. When Marta arrived, she was told she would die that very night."

But she survived the night and the next 10 years, thanks to generic copies of brand-name AIDS drugs that would be harder to come by under CAFTA,

The young man, a 2001 Hudson's Bay High School graduate who's in the Jackson School of International Studies at the University of Washington, is my son, Cameron Herrington. The woman is UW professor Angelina Godoy.

Along with another UW student, they met Marta this summer during a grant-financed trip to Guatemala to study the likely effects of the pending Central American Free Trade Agreement on health care in that country. Their work has been an eye-opener. I had always figured such treaties were pretty much all about whether jobs would be gained or lost here or abroad and whether goods and services would be more expensive or cheaper.

But now I know about Marta Solis and thousands like her who have survived thanks mostly to low-cost generic anti-retroviral drugs. Her husband wasn't so lucky. He also was an HIV/AIDS victim, one of thousands more in Central America without a sure supply of affordable drugs. He died in 2001.

Many in that region are getting medicine from sympathetic doctors who acquire them via back-channel, quasi-legal avenues. The UW trio learned of one clinic that conducted lotteries to decide who gets drugs. Lotteries!

Politics, drugs and money

World Trade Organization agreements already offer years of protections to companies that have developed these life-saving drugs. But "CAFTA would go beyond that," says Jonathan Cohen, who tracks the issue for Human Rights Watch ([www.hrw.org](http://www.hrw.org)). He says CAFTA could add five years to the wait for low-cost generic versions.

"The pharmaceutical lobby has made its position clear" Cohen says. "They want total control over the price of AIDS drugs." Further, he says, "there are other free-trade agreements that go beyond WTO that the U.S. is negotiating now."

CAFTA is favored by the Bush administration, which probably won't send it to Congress until after the election so its supporters won't have to go on record before facing voters.

The most politically dicey aspects are about exports, imports, and jobs, not the little-known generic-drugs issue. But as the woman and the young man from the UW wrote in *The Seattle Post-Intelligencer*, protecting intellectual property is necessary for trade, but "there is a fundamental difference between combating the piracy of DVDs and limiting access to life-saving medications."

Gregg Herrington's column of personal opinion appears on the Other Opinions page each Friday. His e-mail address: [gregg.herrington@columbian.com](mailto:gregg.herrington@columbian.com).