

Impressions

AIDS, the real story

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The film, *Fire in the Blood*, released earlier this year and the toast of Sundance (a festival for documentaries) is finally being screened in India. It tells the powerful story of activists, doctors and journalists who fought to bring generic AIDS medicines to developing countries; the pharmaceutical industry and Western governments that tried to stop them; and the millions who died waiting for those medicines.

► **AIDS drugs were priced to kill. A documentary shows how.**

The film comes barely a year after the Oscar-nominated *How to Survive a Plague* documented the struggle of AIDS activists in the US who successfully challenged the political, scientific and medical establishment to identify a treatment for HIV in the 1980s and 1990s.

INDIA'S CONTRIBUTION

The film criss-crosses continents as the effects of a US promoted pro-monopoly legal system were felt in Africa — with disastrous consequences. At the time, the 'discounted' price for patented AIDS medicines (antiretrovirals or ARVs) was \$10,439 per-person-per-year. Through interviews and archived footage, the film lays bare the dishonest, racist excuses (Africans tell time by the sun!) made by MNCs and US government officials for not providing access to ARVs in Africa — in their own words. The film turns to India which made the dramatic 'dollar a day' offer for AIDS treatment.

Over 9 million people living with HIV in the developing world are on ARVs today; nearly 80 per cent on Indian generic medicines. Cipla's dramatic offer of affordable ARVs is duly mentioned as a critical aspect in the AIDS struggle. But that is not all. The film relies on Justice Edwin Cameron of the South African Constitutional Court who is HIV-positive, South Africa's Zachie Achmat and Treatment Action Campaign, Uganda's Dr Peter Mugenyi, President Bill Clinton, Donald McNeil of the *New York Times*, Nobel laureates Joseph Stiglitz and Rev. Desmond Tutu, and other stalwarts to tell the story of the "crime of the century". It relies on the experience of Big Pharma insider Peter Rost, former vice-president of Pfizer, for the workings of industry.

The black and white grainy footage of Indira Gandhi telling the World Health Assembly in 1984, "my idea of a better ordered world is one where medical discoveries would be free of patents and there would be no profiteering from life or death" is a reminder of the philosophy that once underscored Indian law, which did not grant product patents on medicines, allowing generic companies to supply affordable ARVs.

BEYOND WTO

In 1995 India joined the WTO. Indeed, the WTO's TRIPS agreement required that India start granting 20-year product patents on medicines in 2005. But the WTO was hardly the war that Big Pharma, backed by the US and EU, wanted to win. For them, TRIPS was a compromise. They are now using free trade agreements such as the EU-India FTA for 'TRIPS-plus' intellectual property protection. The EU now claims these demands are off the table.

These agreements can undermine the delicate balance that the Indian judiciary has tried to strike between public interest and patents — as demonstrated by the Supreme Court decision in the Novartis case. The EU reportedly wants to strengthen the hands of patent-holders in court cases. As newer medicines are patented in India; as cancer and hepatitis C patients struggle to pay thousands of dollars for patented medicines; as the EU and US increase pressure on developing countries through FTAs to undermine access to generic medicines, the time has come to respond. Those who do not learn from history are, after all, doomed to repeat it. *Fire in the Blood* is a powerful telling of that history. The question is, will we learn from it?

(The author is a lawyer working on HIV, health and human rights.)



Affordable medicines are crucial.

Industry.

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