



doi.org/10.51891/rease.v8i2.4147

A 40-YEAR PANDEMIC: THE BRAZILIAN PROGRAM TO FIGHT HIV/AIDS AND STDS IS CONSIDERED A WORLD REFERENCE IN PUBLIC HEALTH POLICY

A BRIEF JOURNEY THROUGH THE CENTRAL THEORIES AND CONCEPTS OF PUBLIC POLICY FROM A REAL CASE IN THE CONTEXT OF PUBLIC HEALTH IN BRAZIL

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ABSTRACT: The very high costs of the medicines were causing difficulties for the Brazilian Government to universalize the HIV/AIDS patient's treatment. The Brazilian government, at a given moment, pressured by Non-Governmental Organizations (NGO's), started negotiations with large international laboratories, holders of drug patents, with the objective of reducing the sale value in the country. For not considering the negotiations favorable the Brazilian Government decided to infringe on the patents on medicines that help in the treatment of HIV/AIDS. Meanwhile, there is a reaction from the pharmaceutical industry and even the US government - which threatens to file suit against Brazil in the World Trade Organization (WTO). From the presentation of this real case, this work aims to clarify central concepts and theories, as well as to contribute to the advancement, diffusion and democratization of knowledge in the field of Public Policy.

Keywords: Public Policy. Health. HIV/AIDS/STDs. Patents. Well-being. Quality of Life. International Relations. International Trade.

RESUMO: Os altíssimos custos dos medicamentos estavam a dificultar o governo brasileiro a universalizar o tratamento dos pacientes com HIV / AIDS. O governo brasileiro, em determinado momento, pressionado por Organizações Não Governamentais (ONGs), iniciou negociações com grandes laboratórios internacionais detentores de patentes de medicamentos com o objetivo de reduzir o preço de venda no país. Por não considerar as negociações favoráveis, o governo brasileiro decidiu infringir as patentes de medicamentos que auxiliam no tratamento do HIV / AIDS. Entretanto, houve uma reação da indústria farmacêutica e até do governo dos Estados Unidos - que ameaçou entrar com uma ação contra o Brasil na Organização Mundial do Comércio (OMC). A partir da apresentação deste caso real, este trabalho visa apresentar os principais conceitos e teorias, bem como contribuir para o avanço, difusão e democratização do conhecimento no campo das Políticas Públicas.

Palavras-chave: Políticas Públicas. Saúde. HIV/SIDA/DSTs. Patentes. Bem-estar. Qualidade de Vida. Relações Internacionais. Comércio Internacional.

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1. INTRODUCTION

As a symbolic date to raise awareness about the AIDS pandemic, the World Health Organization (WHO) has instituted December 1st as The World Day to Fight AIDS.

40 years after the first records of AIDS in the world, the available treatments provide better quality of life and well-being for HIV carriers, mainly because the drugs cause fewer adverse effects, but the disease continues to be very stigmatizing. Although there are promising studies in vaccinology in the field of HIV, the disease still has no cure, there is no preventive vaccine.

The table below shows recent data on HIV worldwide, retrieved from the UNAIDS BRASIL website on January 17, 2022.

Figure 1 - Global HIV Statistics 2021

28.2 million people had access to antiretroviral therapy | June 31, 2021.

37.7 million [30.2 million – 45.1 million] people worldwide were living with HIV in 2020.

1.5 million [1 million - 2 million] people were newly infected with HIV in 2020.

680,000 [480,000 - 1 million] people died of AIDS-related illnesses in 2020.

79.3 million [55.9 million - 110 million] people have been infected with HIV since the beginning of the epidemic.

36.3 million [27.2 million - 47.8 million] people have died from AIDS-related illnesses since the beginning of the epidemic.



Source: Adapted from UNAIDS, 2022

In order to face and fight the epidemic in the country, the Brazilian government formulated and implemented a Public Health Policy to fight AIDS and STDs, considered a world reference.





From the presentation of the aforementioned Program, a real case, contextualized in the light of the central concepts and theories, the objective of this article is to contribute to the advancement, dissemination and democratization of knowledge in the field of Public Policy.

Studying Public Policy necessarily passes through the understanding of its foundations, through the apprehension of its concepts and central theories.

As scholars and researchers, by understanding and explaining social phenomena related to the field of Public Policy, we assist in the conception of methods of formulation, implementation and evaluation of Public Policies.

As professionals (we can consider here the public managers, NGOs managers and businessmen, for example), that is, in the exercise of functions that deal directly with pertinent questions, knowing the theoretical reference allows a better and more profuse perception of the contexts, which facilitates the decision making and the movements in the policy arenas.

As citizens, it is important to know the meaning of Public Policy, especially so that we can access the discussions and contribute to the maximization of their results.

The concept of policy arena, mentioned above, is related to the conflict and consensus processes between the actors involved in the contexts of designing policies (Frey, 2000).

But what actually makes the Public Policy domain so important to our lives?

It should be emphasized that this work does not exhaust all the theoretical references, it intends to be just an initial kick-off for a broad and profound journey on the foundations, concepts and theories of the aforementioned area.

Furthermore, it should be noted that there is no intention to politicize or to discuss party-political issues.

2. THEORETICAL REFERENCE

2.1. Central Concepts and Theories of Public Policy

We find in the literature several definitions for public Policy. According to Dye Public Policy is "whatever governments choose to do or not to do" (2013, p. 3). Sabatier argues that Public Policy "involves the decisions (including both actions and nonactions) of a government or equivalent authority" (2014, p. 4). Peters considers Public Policy "as





the set of activities that government engage in for the purpose of changing theirs economy and society" (2015, p. 1). For Laswell (1936) Public Policy has to do with "Who gets What, When, How". Saraiva points out that Public Policy is a "system of public decisions that aims at actions or omissions, preventive or corrective, aimed at maintaining or modifying the reality of one or several sectors of social life, through the definition of objectives and strategies and the allocation of the necessary resources to achieve established objectives" (2006, p. 29).

The fundamental thing to consider is that the design and implementation of Public Policies directly affect citizens and, consequently, their well-being and quality of life, especially in the areas of health, agriculture, housing, sanitation, safety/defense, education, environment, mobility, among others.

An illustrative policy-making model is presented below. It is noteworthy that this is a synthetic perspective, in view of the various intercurrences that can give a new approach to the process.

Evaluate policy (assess whether problem addressed)

Classic policy cycle model

Implement policy (proceed to action & monitor progress)

Decide policy (consult and adopt course of action)

Figure 2 - Classic Policy Cycle Model

Source: European Comission, 2017

We can report a long list of Public Policies. A City Hall program that benefits mobility as well as actions for the environment in your city are examples. However, assuming Peters's argument that "we can understand Public Policy through a design

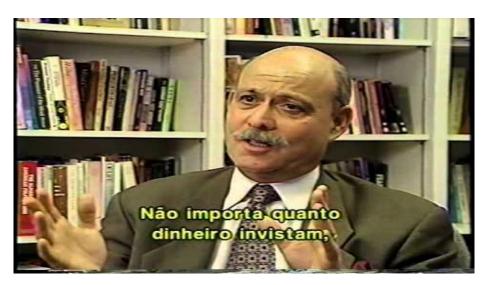




perspective, and also that we should consider the appropriateness of policy interventions through a design perspective" (2015, p. 2), in order to better understand the concepts and general theories of Public Policy, we will examine the example of a Public Health Policy in Brazil.

The fact is that a problem was identified in the context of Public health in Brazil. The very high costs of the medicines were causing difficulties for the government to universalize the HIV/AIDS patient's treatment, that claims to be free for charge. In the field of Public Policy studies this problem is considered as an input to the political system which, in turn, will interpret and generate outputs - namely actions, programs and projects.

In this specific case, this is the Program to fight AIDS and DSTs, from the Brazilian Department of Health. So, to better illustrate the subject, we suggest you watch the excerpt from the documentary The Common Good, produced by Carole Poliquin (2002), specifically the Sixth Day, which begins around 49 minutes and 23 seconds and goesup to 55 minutes and 34 seconds, inhttps://www.youtube.com/watch?v=rhDq_i, and then we get back.



Source: Le bien commun: l'assaut final (Poliquin, 2002)

As we saw in the video, the Brazilian government, at a given moment, pressured by Non-Governmental Organizations (NGO's), decided to infringe on the patents on medicines that help in the treatment of HIV/AIDS. Meanwhile, there is a reaction from





the pharmaceutical industry and even the US government - which threatens to file suit against Brazil in the World Trade Organization (WTO).

The core issue is that the drugs had a high price and the Brazilian government would not be able to universalize the treatment, which was the central objective of that Public Policy itself. It should be noted that the Brazilian government tried to reach an agreement with the big labs in order to avoid applying the compulsory license law or even infringe on the patents.

However, since there was no agreement, the Brazilian government maintained its position of breaking patents. This is called the politics dimension, that is, the procedural dimension of making policy. It is related to the political activities, the political processes in which the different social actors meet, come into conflict and also form their coalitions in order to influence the way a country is governed or, in this specifically case, the policy design itself. It has to do with the political arrangements (Heywood, 2013), "the influence and the influential" (Lasswell, 1936, p. 309).

As there was no agreement, the Brazilian government maintained its position of infringing on the patents. So, Brazilian public own companies begun copying antiretrovirus drugs at a cost that was 80% lower than that patented medications, under
arguments based on the social sphere, the political system and the laws: in case of national
emergency and in the public interest it is provisioned in the Brazilian law, as well as it is
permitted through international agreements. We are talking about the polity, the
institutional dimension of politics, that involves the ordering of the political system, the
legal provisions and the institutional structure of the political-administrative system
(Frey, 2000).

2.2. Public policy decision-making and the procedural dimension of designing policy

The concept of Public Policy can be determined in this case as the program itself: The distribution of free medications for the HIV / AIDS patient's treatment, which allows them to achieve survival and to live better with the disease.

Returning to our core issue, namely to examine and contextualize the aforementioned policy under the central concepts and theories, it is important, first of all, to keep in mind that, according to Dye's view, policy analysis would be a set of studies





that would have as main concern to understand "what the governments do, why they do it and what difference it makes" (2013, p. 3).

Once a problem has become a government priority, that is, included in the governmental agenda, the process of formulating alternatives is initiated. There are different ways to "think" the solution to a demand (input). According to Rua (2009) three main models of Public Policy Decision-Making are considered:

- Rational-comprehensive (drawn by Herbert A. Simon);
- Incrementalism (Charles Edward Lindblom is one of the early developers);
- Mixed-Scanning (coined by Amitai Etzioni).

In the Rational-Comprehensive model, decision-making follows the sequential activities:

- 1. Identify the problem.
- 2. An objective to solve a problem is established.
- 3. All alternative strategies to achieve the goal are explored and listed.
- 4. All significant sequences of each strategic alternative are predicted and the probabilities of these consequences occur are estimated.
- 5. Finally, the strategy that seems to solve the problem or solve it at a lower cost is selected.

On the other hand, the Incrementalism model seeks to solve problems in a gradual way without introducing major modifications in the already existing situations, and without causing rupture of any nature. It considers that policies are a continuous sequence of policies adopted in the past, making only minor changes. In this way only incremental changes occur in the existing state of affairs, and the best decision is not the one that maximizes values and goals, but the one that ensures the best agreement between the interests involved (Etzione, 1967; Rua, 2009).

Lastly, the Mixed-Scanning model combines both rational and incremental decisions processes. It provides for rational decision-making and policymaking processes to establish the basic policy goals and direction. Mixed-Scanning also allows for the rational or incremental approach, depending on the situation. So, structural and strategic decisions are made as rationally as possible, and more detailed decisions tend to be elaborated and implemented incrementally (Etzione, 1967).





Basically, Mixed-Scanning requires that decision-makers engage in a broad review of the decision-making field, without devoting itself to the detailed analysis of each alternative (as the Rational model does). This review allows long-term alternatives to be examined and lead to structuring decisions. Incremental decisions, in turn, result from structuring decisions and involve more detailed analysis of specific alternatives (Rua, 2009).

Notwithstanding, in this specific case, as in so many others, it is essential to consider key questions, as suggested Bovens, Hart, and Kuipers (2006), for which the actors, mainly the governmental ones, involved in the contexts of Public Policy formulation, implementation and evaluation must pay careful attention: Who can be held responsible for the damage that has been done to the social fabric? Who should bear the blame? What sanctions, if any, are appropriate? Who should compensate the victims?

By the way, who are the actors involved in the context of this Public Health Policy in Brazil? We can point out the governments of Brazil and the United States of America, the pharmaceutical industries, the Non-Governmental Organizations and the World Trade Organization, that probably have moved on their respective policy networks to influence the decision. We can conceptualize policy networks based on Börzel's argument as being the interrelations among the actors, whose ideals are cohesive, involved in order to influence the design of a Public Policy (1997).

Nevertheless, there are more actors and stakeholders who follow and somehow attempt to influence political decisions. The epistemic communities or networks of knowledge-based experts, consisting essentially of professionals with recognized expertise and skills in a specific domain or subject (Haas, 1992) should also be included in the group of stakeholders. Much attention must be paid to these communities.

And speaking of actors and stakeholders, soon comes to mind the contexts, the agendas, the arenas and the political dimensions. In this sense, continuing our brief journey through the central theories and concepts of Public Policy, shedding light on the procedural dimension of designing policy, Lowi (1972) proposed four types of Policy:

Distributive, Redistributive, Regulative and Constituent, by considering that the political arrangements (politics), as we have seen before, are consequences of the policies. Briefly, Peters (2015) states that those subsystems are generated by determined political configurations.





Next, we will conceptualize the four types proposed by Theodore Lowi and give some examples for each so that we can determine which type refers to the case examined.

In the Distributive type the State or the government grants benefits through Public Policies to a certain group of the society or country region without causing costs or losses to other groups or country regions and are characterized by a low degree of conflicts in their political processes (Souza, 2002; Frey, 2000), by "consensus and friendly indifference" (Windhoff-Héritier, 1987, quoted by Frey, 2000, p. 224), since even potential opponents can also benefit. A good example is the donation of wheelchairs to citizens with special needs.

On the other hand, Redistributive Public Policies, as opposed to the Distributives, are characterized by polarization and conflict (Souza, 2002; Frey, 2000) in view of the fact that the objective is "to divert and consciously displace financial resources, rights or other values between social stratum and groups of society" (Windhoff-Héritier, 1987, quoted by Frey, 2000, p. 225), generating losses for certain portions of society over others (Souza, 2002). A good example to be considered is the exemption or reduction of taxes for certain poorer social groups and increase for the layers with greater purchasing power.

"Regulatory policies tend to be associated with direct controls over individuals behavior" (Peters, 2015, p. 56), are more perceived by citizens and are characterized by bureaucratic procedures - by the enactment of decrees, governmental ordinances, and prohibitions (Souza, 2002; Frey, 2000). An example is the Law that establishes the prohibition of the consumption of alcoholic beverages to those under 18 years of age.

Constituent policies deal with procedures within the political system itself (Souza, 2002; Frey, 2000). This type of Policy is mainly related to the overall structure, the form of govenment, and is related to development of new departments, procedures and rules, and even to internal distribution of funds - which can affect directly the processes of structuring Distributive, Redistributive and Regulatory policies. A good example is the Special Fund for Campaign Financing, the Electoral Fund - or, simply, "Fundão" (in brazilian portuguese), which intends to allocate up to BRL 5.7 billion (approximately 1 billion US dollars at the exchange rate of December 17, 2021, news publication date) to the expenses of parties and candidates in the Budget Guidelines (Senado Federal do Brasil, 2021). Under that circumstances, as Mead (2013) asseverates, "the study of public policies





has the potential both to improve policy and to teach us more about government itself" (p. 389) and even the politicians.

Figure 3 - The Four Types of Policy. Characteristics and examples

Distributive	Redistributive	Regulative	Constituent
Characterized by a low degree of conflicts	Characterized by polarization and conflict	Characterized by bureaucratic procedures	Deals with procedures within the political system itself
Benefits certain group of the society or country region	Displace financial resources, rights, for certain social stratum and groups of society	Enactment of decrees, governmental ordinances, and prohibitions	Related to the general structure, form of government
No costs or losses to other groups or country regions	Generates losses for certain portions of society over others	Characterized by bureaucratic procedures	Development of new departments, procedures and rules
Consensus and friendly indifference	The opposite of the Distributive	More perceived by citizens	Distribution of funds
e.g., donation of wheelchairs to citizens with special needs	e.g., exemption or reduction of taxes for certain poorer social groups and increase for the layers with greater purchasing power	e.g., the prohibition of the consumption of alcoholic beverages to those under 18 years of age.	e.g., special Fund for Campaign Financing, Electoral Fund

Sources: Adapted from Four Systems of Policy, Politics, and Choice (Lowi, 1972).

Characteristics: (Etzione, 1936; Frey, 2000; Peters, 2015; Rua, 2009; Souza, 2002; Windhoff-Héritier, 1987, quoted by Frey, 2000).

It is important to consider in the scope of Public Policy studies that "when public policies are adopted and programs implemented, the politics of policy making do not come to an end" (Bovens et al., 2006, p. 320). In this sense, according to Galston (2006) "policies that are not feasible now may be feasible later, or might have been feasible before earlier decisions closed off options" (p. 545).

"The political and bureaucratic controversies over the nature of the problems to be addressed and the best means by which to do so that characterize the policy formulation and policy selection stages of the policy cycle do not suddenly abate when "binding" political decisions are made in favor of option X or Y". Nor do the ambiguities, uncertainties, and risks surrounding the policy issue at stake evaporate" (Bovens et al., 2006, p. 320).





We always have to keep in mind that we live under the construction of new paradigms. In this context, the theoretical-methodological resources offered by sociology for the study of social phenomena, to explain and understand the human being in their relations of interdependence, evidencing social groups, norms and interactions between social structure and political institutions, constitute an excellent reference for the study and understanding the processes of formulation and implementation of public policies (Cortes & Lima, 2012).

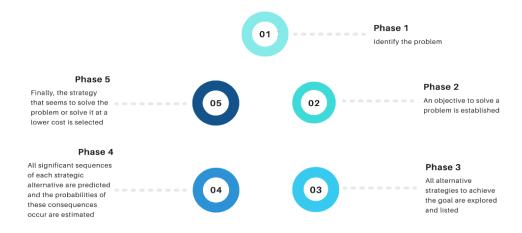
3. METHODOLOGY

This study was carried out through exploratory research, with the aim of clarifying central concepts, theories and contribute to the advancement, diffusion and democratization of knowledge in the field of Public Policy. Books, articles and documents were used to provide a bibliographic and documentary survey from the perspective of a real case and its practical application. As for data collection, the research is bibliographical and documental.

4. FINDINGS AND FINAL CONSIDERATIONS

Based on what we have seen throughout this text, the Rational-Comprehensive model of Public Policy Decision-Making is more plausible to be considered in the approach to the case presented.

Figure 4 - The Rational-Comprehensive Model Framework







Source: Adapted from Análise de Políticas Públicas: Conceitos Básicos (Rua, 2009)

Among the four Types of Policy proposed by Theodore Lowi, the one that best fits the analysis of the Public Policy in question is the Distributive Type.

Figure 5 - The Distributive Type of Public Policy Framework



Source: Adapted from Four Systems of Policy, Politics, and Choice (Lowi, 1972).

Characteristics: (Frey, 2000; Souza, 2002; Windhoff-Héritier, 1987, quoted by Frey, 2000)

So, answering the central question of this work, below are shown the essential points about what makes the field of Public Policy so important to our lives.

- I. Understanding the meaning and importance of Public Policy is essential for contemporary societies. Therefore, studying and contributing to the advancement and dissemination of knowledge in this field, and even making it more interesting and understandable, is the special mission for scholars, current and future researchers, professionals and, above all, indispensable for citizens
- 2. The formulation and implementation of Public Policies involves society, governments, public and private institutions / organizations, directly affect citizens and, consequently, influence their well-being and quality of life.
- 3. Based on what we have seen throughout this text, especially the example presented and its beneficial consequences, it is important to realize that Public Policies



- cannot only reflect the supposed omniscience of enlightened technocrats, but represent the deputation of legitimate interests.
- 4. The central theme of this work has to do not only with what governments do or not, according to their corresponding ideological and political-party basis, influenced by socioeconomic, financial and political contexts, but mainly with the impacts of the resultant decisions on society, on citizens' lives.

So, this is actually what makes the field of Public Policy so important to our lives.

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