



Ministerio de la Protección Social
República de Colombia
Despacho del Ministro

002212

Bogotá, October 22, 2004

The Honorable Members of Congress

Hilda L. Solís
Henry A Waxman
Charles B. Rangel
Ciro D. Rodriguez
Sherrod Brown
Sander M. Levin
Linda T. Sanchez
Thomas H. Allen
Jim McDermott
Raul Grijalva
Xavier Becerra
Pete Stark

Dear Members of Congress,

I am writing to express my appreciation for the letter, dated September 30, 2004, that you have sent to President George W. Bush expressing your strong opposition to the inclusion in trade agreements of provisions that would restrict access to much-needed drugs, and to request your continuous support in the ongoing FTA negotiations with the Andean countries. We share your concerns regarding some of the provisions included in these types of agreements that can undermine commitments made by Colombia and the United States in the Doha Declaration on the TRIPS Agreement and Public Health of the World Trade Organization and its additional implementation protocols.

The Colombian Government has strongly advocated the need to achieve a proper balance between intellectual property rights and access to affordable medicines. In that sense, it is not only our right, but also our duty to see that trade agreements that are entered into by our country do not include provisions that, in accordance with Paragraph 4 of the Doha Declaration, would prevent us from protecting public health and promoting access to medicines for all our citizens.

Colombia and other Latin American countries are already facing serious challenges in addressing the health needs of the poor and most vulnerable sectors of our society who will be among those most affected by some of the provisions that have been sought by the United States in recent free trade agreements. This not only concerns us deeply from an ethical point of view, but also would contradict our



Libertad y Orden

Ministerio de la Protección Social
República de Colombia
Despacho del Ministro

National Constitution, which states that the right to health is one of the fundamental rights of our people.

Hence, we have proposed that the intellectual property chapter of the Andean free trade agreement include the Doha Declaration as the guiding principle for its interpretation and implementation, and as such should be an integral part of the text and not be relegated to a side letter. This proposal is consistent with U.S. trade policy, as it is one of the main negotiating objectives of the Trade Promotion Authority Act of 2002.

We believe that it is paramount that the free trade agreement does not go beyond the standards set in multilateral forums only a few years ago, and build on the existing international rules to preserve our countries' ability to ensure access to affordable medicines in a timely and efficient way. By respecting the letter and spirit of the commitments made in Doha we will be able to safeguard our right to protect the public health of our citizens, while providing adequate levels of protection to intellectual property which will foster innovation and research.

I would like to suggest that our nations join efforts in promoting access to affordable medicines for all our citizens and in preventing these agreements from further undermining our public health. With that purpose, I would like to request that my colleagues, the Ministers of Health of Ecuador and Peru, and myself, meet with you after the November elections to identify specific ways in which we could work together.

Sincerely,



DIEGO PALACIO BETANCOURT
Minister of Social Protection
Republic of Colombia

cc. Minister of Health of Ecuador, Minister of Health of Peru