

September 24, 2002

Ambassador Robert B. Zoellick
United States Trade Representative
600 17th Street, N.W.
Washington, DC 20508

Dear Ambassador Zoellick:

As religious leaders responding to the moral and ethical questions of our day, we are called to speak out on issues affecting the most vulnerable in society. Today, we speak in solidarity with the 40 million people around the world who are living with HIV/AIDS, and who are looking to their national governments and local communities to halt the human death toll unfolding around them. We know that life-saving anti-retroviral therapy, now available in wealthy countries like the United States, can be successfully administered in resource-poor settings. Medicines to treat AIDS are an integral part of a comprehensive response to the AIDS pandemic in developing countries. Ironically, we also know that WTO trade rules, as currently interpreted, will further restrict access to essential medicines, including antiretrovirals.

We call on the U.S. to implement the Doha Declaration on the TRIPS Agreement and Public Health in a manner that prioritizes protecting the public health.

The issue of how compulsory licenses will be used by countries that cannot find an efficient, affordable, and reliable source of medicines--either because of lack of domestic capacity or insufficient economies of scale--will continue to feature prominently on the agenda of the TRIPS Council.

This matter was left unfinished by negotiators at Doha; its resolution will be the first test of whether the U.S. will choose to respect the spirit of the Doha Declaration and support a solution which abides by WTO Members' right to protect public health and promote access to medicines for all.

We believe that the value for human life must be the cornerstone for any trade policy decisions regarding access to sustainable supplies of lowest-cost medicines for millions living with HIV/AIDS. Current interpretation of TRIPS rules are a forecast for human-made disaster, a disaster that will further cripple affected countries' ability to care for their own citizens. The U.S. and other governments at the TRIPS Council have the power to ensure that the interpretation of these trade rules fully guarantees that even "no-capacity" countries without efficient, affordable, and reliable domestic supplies of medicines will be able to gain access to affordable, low-cost generic medicines produced and exported from other countries. It is our view that an interpretation of Article 30 of TRIPS that permits a limited exception to the rights of a patent holder for production of medicines for export is the only sustainable, workable solution for countries in need of low-cost medicines. The USTR should embrace this solution at the TRIPS Council.

In our daily work with partners in affected countries we are reminded that international law is a guiding force in determining whether people living with HIV/AIDS have access to life-saving antiretroviral treatment. Our partners who run mission hospitals and clinics strive to give the highest quality of care for people who are sick, including people living with AIDS, but without the combined efforts of national governments and the international community, we cannot take the necessary steps to provide truly comprehensive HIV/AIDS care and treatment. We must all do our part. We urge you, Ambassador Zoellick, to ensure that the U.S. does its part to support access to sustainable low-cost AIDS medicines at the upcoming TRIPS Council.

Sincerely,

Larry J. Goodwin
Associate Director for Organizing
Africa Faith & Justice Network

James H. Matlack
Director, Washington Office
American Friends Service Committee

Greg Laszakovits
Coordinator of the Washington Office
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cc: Eduardo Perez Motta, Chair, WTO Council on TRIPS
Claude Burcky, Assistant USTR for Intellectual Property
Tommy Tompson, Health and Human Services Secretary
William Steiger, Special Assistant, Office of the Secretary, HHS
Grant Aldonas, Undersecretary for International Trade, Department of Commerce