

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama,

As organizations concerned with access to medicines and U.S. aid to support peace in Colombia, we write to you with great alarm over messages received by the Colombian government from U.S. officials that U.S. aid could be at risk as a result of Colombia's actions to protect public health. We respectfully request that you publicly clarify this matter and set the record straight. We believe the United States should support both Colombia's efforts to achieve peace and to protect public health.

It was recently reported that Colombia's Ministry of Foreign Relations and Ministry of Health each received a letter from its Washington, D.C. Embassy in late April describing perceived pressure from the U.S. Congress, in a meeting with Senate Finance Committee majority staff, as well as from the Office of the United States Trade Representative (USTR) regarding Colombia's pending decision on whether to issue a compulsory license for the leukemia drug imatinib (marketed in Colombia by Swiss drug manufacturer Novartis as Glivec). The letters expressed concern that Colombian interests in the United States would be put at risk if the country moves forward with the issuance of the license, including U.S. support for *Paz Colombia*, the Administration's signature \$450 million aid initiative to advance peace in Colombia.

The USTR and Senate Finance Committee staff have denied threatening funding for *Paz Colombia* if a compulsory license for imatinib is issued. But they have not denied making it clear that Colombia should not issue the license and could suffer consequences if it does.

Currently, imatinib is priced in Colombia at nearly double the country's GDP per capita, and Novartis has rejected the Colombian government's offer to negotiate a price reduction for the treatment. High prices for any important medicine impose a burden on the public health system responsible for providing it, and lead to the rationing of treatment and other health services.

Colombia's Ministry of Health and Social Protection has proposed to declare access to the cancer medicine imatinib under competitive conditions to be a matter of public interest. The public interest declaration should lead to the grant of a compulsory license on the patent held by Novartis, facilitating generic competition and reducing prices.

Article 31 of the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property (WTO TRIPS Agreement) permits all WTO members, including Colombia, to issue compulsory licenses at any time on grounds of their choosing. The WTO's "Doha Declaration on the TRIPS Agreement and Public Health" affirms this right, supporting "WTO members' right to protect public health and, in particular, to promote access to medicines for all."

Further, the U.S. “May 10th Agreement” of 2007, expressly incorporated certain public health safeguards in the U.S.-Colombia Trade Promotion Agreement and preserved Colombia’s right to issue compulsory licenses for patented inventions.

Opposing trading partners’ rights to issue compulsory licenses would be in contradiction with longstanding U.S. policy obligations, and Colombia's issuance of a compulsory license on imatinib would be fully consistent with Colombia’s international obligations.

Unfortunately, reports on this matter suggest that not only are congressional and Administration officials attempting to thwart the issuance of such a license, but they are doing so in a way that implies a grave and immoral threat to the people of Colombia.

More than 50 years of war in Colombia has claimed the lives of more than 220,000 people. Since 2000, more than eight million victims have registered with the Colombian government’s National Unit for the Integral Attention and Reparation of Victims (*Unidad para la Atención y Reparación Integral a las Víctimas*). Violent conflict within the country has internally displaced more than 6 million Colombians and has resulted in the forced disappearance of more than 25,000 Colombians since 1985.

Thankfully, now there exists the greatest opportunity for a lasting peace in Colombia in a generation, and U.S. assistance through the *Paz Colombia* aid package will play an integral role in consolidating such a peace through support and monitoring. We welcome the Administration’s vocal support for the peace process and the implementation of a resulting peace agreement. However, it is wholly inappropriate, reprehensible, and intolerable for anyone from your Administration or the U.S. Congress to ask Colombia to choose between peace and its people’s health.

Our organizations join together in respectfully calling for your Administration to clarify publicly that no action taken by Colombia towards expanding access to medicines for its people, and specifically regarding the issuance of a compulsory license on imatinib, will affect U.S. support for the peace process in Colombia. We are asking for similar clarification from Congress.

Sincerely,

American Federation of Labor and Congress of Industrial Organizations (AFL–CIO)

BUKO Pharma-Kampagne

Catholics in Alliance for the Common Good

Center for International Policy

Center for Policy Analysis on Trade and Health (CPATH)

Foundation for Integrative AIDS Research (FIAR)

Fundacion IFARMA

Health Action International

Health Global Access Project (Health GAP)

Institute for Policy Studies, Drug Policy Project

Institute on Race, Equality and Human Rights
Just Foreign Policy
Knowledge Ecology International
Latin America Working Group (LAWG)
LWC Policy Consulting Inc.
Maryknoll Office for Global Concerns
Mesa de ONGs con Trabajo en VIH/SIDA
Oxfam America
Pax Christi International
Presbyterian Church (USA)
Public Citizen
RedLAM
Student Global Access Campaign (SGAC)
The Berne Declaration
United Church of Christ, Justice and Witness Ministries
Universities Allied for Essential Medicines (UAEM)
Washington Office on Latin America (WOLA)
Witness for Peace