

Alliance

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for Responsible Trade

A National Coalition for Just and Sustainable Trade Policies

23 January 2004

To the Ministers of Trade in the Americas,

I write to you on behalf of the U.S. Alliance for Responsible Trade, a coalition of labor, environmental, family-farm, women's, religious, development and research organizations working to promote equitable and sustainable trade and development in the Americas. ART is also the U.S. chapter of the Hemispheric Social Alliance (HSA), and, as such, we have raised numerous concerns about many aspects of the proposed FTAA. These concerns are addressed in detail in the HSA's *The FTAA Unveiled: A Citizens' Critique of the November 2002 Draft of the Free Trade Area of the Americas* and *Alternatives for the Americas*, both of which are available at www.asc-hsa.org.

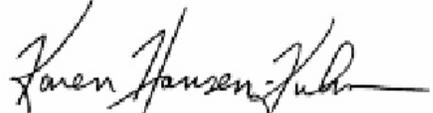
While members of ART are unable to attend the meeting in Santo Domingo next week on intellectual-property rights in the FTAA, we would like to raise several issues of concern. We are especially troubled by provisions in the FTAA text that would limit the ability of governments to provide essential medicines to their peoples at reasonable prices.

The Institute for Agriculture and Trade Policy (IATP) and the Center for International Environmental Law (CIEL), two key participants in our coalition, have written extensively on other issues related to intellectual-property rights and the FTAA. I have attached two of their most recent analyses of these issues in the hopes that they will contribute to your deliberations on this important issue. IATP raises concerns regarding patents on life forms, especially plants. The CIEL article describes proposals in the FTAA intellectual property text that unacceptably raise the levels of intellectual property protection set by the TRIPS Agreement and that, if enacted, would restrict key flexibilities recognized under the TRIPS Agreement and seriously limit governments' abilities to ensure that intellectual-property protections do not undermine national plans for sustainable development.

While we appreciate the opportunity to comment on intellectual property-rights and the FTAA, we hope you will consider making changes in this process to make it more transparent so as to foster more informed public comments on the proposed accord. As we have commented in previous letters, it is difficult to comment on a text that is so heavily bracketed. The FTAA text should indicate which countries support the various conflicting proposals. The format of these seminars is also very limited; only those civil-society organizations with substantial resources will be able to travel all over the hemisphere to attend these events. We believe that each country should carry out a series of national and regional hearings on the proposals being advanced in the accord, and that those hearings should be preceded by the publication of text identifying each country's respective positions. Only then will a truly substantive dialogue on the FTAA be possible.

We look forward to continuing these discussions and to learning how civil society's concerns are being incorporated into the FTAA negotiations.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Hansen-Kuhn", with a long horizontal flourish extending to the right.

Karen Hansen-Kuhn
Coordinator