

OPEN LETTER TO THE PRESIDENT OF THE REPUBLIC

THE FTA AND HEALTH

Given the US inflexibilities and the weaknesses of the Ecuadorian team in the final phase of the negotiations of the FTA, once again, the undersigned institutions and persons, concerned about the consequences that will result from these negotiations:

1. Demand that other free trade agreements signed by the US such as CAFTA (Central America) not be taken as a reference since they are detrimental to the health and the economy of their people, and the sovereignty of the State;
2. Demand that “compensations” or “exchanges” of tariff benefits for intellectual property provisions, as unfortunately have occurred in the negotiations with Peru and Colombia, urged by their special geopolitical, electoral and economic situation, which are very different from our country’s, are not accepted.
3. Will oversee that under no circumstances and under no pressure or pretext, the following RED LINES, previously identified as a national commitment in several official documents and that we fully support, be violated in any international negotiation:
 - a) Patents must protect exclusively authentic pharmaceutical innovations (new chemical entities) and not similar products or second therapeutic uses;
 - b) Permanently exclude the patenting of our natural and biogenetic resources as well as the ancient knowledge of our diverse social and cultural heritage;
 - c) The linkage between patents and sanitary registration must not be accepted, to prevent conflicts between quality and commerce and turning the National Sanitary Authority into an agent that controls patents, since it goes against national laws;
 - d) Delays in patenting procedures for pharmaceuticals must not be compensated with extensions to patent terms, not even one day more than the 20 long years that the Intellectual Property Law already grants;
 - e) No period of protection for test data for pharmaceutical and agrochemical products is acceptable, since they extend monopolies, market exclusivity and increases prices, hurting the entry of generic medicines that are more economic and affordable for the people;
 - f) "The Ecuadorian State cannot incorporate into the FTA negotiation those issues that have already been agreed to in the legislation in force. Intellectual property and patents cannot put at risk access to medicines, food safety or issues such as biodiversity, health and life, which are not negotiable". (Aide memoir given to CONAIE (Confederación

Nacional de Nacionalidades Indigenas de Ecuador) by the Presidency of the Republic, 17 November 2005).

g) As a result, negotiations should not go beyond the TRIPS Agreement (patents) of the WTO and the Doha Declaration whose safeguards protect Public Health and that have been supported by PAHO/WHO (Report to the Nation of the President of the Republic, 15 January 2006).

4. We join all social organizations, businesses and workers that have not accepted the terms of the negotiation, since their negative economic impact will affect the health and life of this and future generations.

Name Organization or Institution

Plutarco Naranjo, former Minister of Public Health.

Rodrigo Fierro, former Minister of Public Health.

Edgar Rodas, former Minister of Public Health.

Wellington Sandoval, former Minister of Public Health.

Elsie Monge, President of the Human Rights Ecumenical Commission.

Reynaldo Páez, former Vice-President of the National Congress.

Fernando Sempértegui, Dean of the Faculty of Medical Sciences of the Central University of Ecuador.

Rodrigo Yépez, Director of the Higher Institute of Public Health of the Central University of Ecuador (Instituto Superior de Salud Pública).

Hernán Hermida Córdova, Dean of the Faculty of Medical Sciences of the University of Cuenca.

Ricardo Hidalgo, Dean of the Faculty of Health Sciences of Equatorial Technological University (Universidad Tecnológica Equinoccial).

Benjamín Puertas, Director of the Master son Public Health of the University of San Francisco de Quito.

Edmundo Granda, National University of Loja.

Raúl Mideros, Health Section of the Andean University Simón Bolívar.

Julio Procel, President of Ecuador's Medical Federation (Federación Médica Ecuatoriana).

Jorge Iñiguez, President of Ecuador's Society of Public Health Sociedad Ecuatoriana de Salud Pública);

Sorayda Vélez, Presiden of Ecuador's Federation of Nurses (Federación de Enfermeras del Ecuador).

Galo Yupanqui, FETSAE, Federation of Health Workers of Ecuador.

María Paula Romo, Ejecutivo Ruptura de los 25 L.S.J.(respect to confidentiality, Secretary General of the Ecuadorian Coalition of Persons Living with HIV/AIDS.

Jaime Breilh, Coordinator for Latin America of the World Health Observatory of the People (Observatorio Mundial de Salud de los Pueblos).

María Extremiana, Medical Coordinator, Doctors Without Borders-Ecuador.

Nelson Oviedo, NGO Health Forum of Pichincha.

Fernando Sacoto, Director FESALUD.

Amira Herdoíza, Executive Director of Kimirina Corporation.

Juan Cuvi, President of the Corporation Vital Action (Corporación Acción Vital).

José Suárez, Director of the Cimas Foundation of Ecuador (Fundación Cimas).

Oscar Betancourt, Director of the Foundation Health, Environment and Development (Fundación Salud Ambiente y Desarrollo).

Arturo Campaña Scientific Director of the Center for Studies and Advice on Health (Centro de Estudios y Asesoría en Salud)

Hugo Noboa, Voltaire Cultural and Community Center (Centro Cultural y Colectivo Voltaire).

Ramiro Echeverría, Group to Defend Health in the FTA (Colectivo de Defensa de la Salud Frente al TLC).

Quito, 23 March 2006