

Open letter to Trade Ministers at the World Trade Organization (WTO)

15 June 2022

Re: Joint CSO call to all WTO Trade Ministers to not accept the current draft of Ministerial Decision on the TRIPS Agreement and demand a real Waiver

Your Excellencies,

As civil society organisations, we call on all Trade Ministers to negotiate an effective and meaningful TRIPS Waiver that covers all major Intellectual Property Rights on all COVID-19 medical products for all people. This is not what is currently proposed in the draft ministerial decision on the TRIPS Agreement (WT/MIN(22)/W/15). We therefore call on you to not accept the current proposed COVID-19 decision on the TRIPS Agreement as it does not deliver a meaningful global response to the pandemic and fails to uphold many of the key founding principles of the WTO¹, including non-discriminatory treatment by and among members, and transparency.

People continue to die from COVID-19 without access to life-saving treatments. It is therefore indefensible that the draft Ministerial Decision does not immediately apply to all COVID-19 medical tools, including therapeutics and diagnostics. The failure of the text to address intellectual property barriers beyond patents severely limits its effectiveness in increasing production and supply.

The draft Ministerial Decision is discriminatory as it arbitrarily excludes some of the world's largest producers of medical tools and "encourages developing countries with export capacity to opt out" from using the proposed decision to produce and supply medical tools. This is contradictory and counterproductive to saving people's lives by ensuring the access to medical tools they need.

It is unacceptable that the text restricts the free movement and rapid distribution of needed medical products during a global pandemic by imposing a ban on re-exportation of COVID-19 vaccines produced under the decision. This restriction cannot be justified.

Under the guise of 'clarifying' existing flexibilities under the TRIPS Agreement, the proposed text risks adding restrictions and complex bureaucratic conditions resulting in hurdles to the production and supply of COVID-19 medical tools. These, together with never-before required time limits and product limits applied to clarifying the existing public health flexibilities, would set a negative precedent for responses to future health challenges.

The process to reach the current draft text has been flawed, discriminatory and lacking in transparency. It has given outsized influence to the opponents of additional intellectual property flexibilities while limiting, or even excluding, the voice of some countries hit hardest by inequality in access to COVID-19 technologies. In addition, civil society organisations have not been able to participate meaningfully in the process and have been criticised for raising legitimate concerns.

The draft Ministerial Decision on the TRIPS Agreement is inadequate and contradictory to the WTO's foundational principles, and results from a flawed and exclusionary process. We therefore call on you, as Trade Ministers, to not accept this current text and demand a real and effective TRIPS Waiver, as originally proposed under IP/C/W/669/Rev.1, delivered via democratic, transparent and accountable negotiations.

Sincerely,

¹https://www.wto.org/english/thewto_e/whatis_e/wto_dg_stat_e.htm#:~:text=The%20WTO's%20founding%20and%20guiding,the%20conduct%20of%20its%20activities.

ABIA (Associação Brasileira Interdisciplinar de AIDS)
access to medicines ireland
Access to Medicines Research Group
ACT Alliance EU
Action against AIDS Germany
ActionAid Australia
Activist Education and Development Centre (AEDC)
Advocates of hope for community
AEDC
Afrocab Treatment Access Partnership
AGANIM - Associação de Gays e Amigues de Mesquita, Nova Iguaçu e RJ
AHF Mexico
AIDS Access Foundation
AKCC
Albergue las Memorias Asociacion Civil
Ambassadors for youths and Reproductive program
Americas TB Coalition
Amnesty International
An aids
Artb Mexico
Asociación por un acceso justo al medicamento, AAJM, Spain
Associação brasileira interdisciplinar de AIDS
Association for Proper Internet Governance
Association of Positive Youth Living with HIV/AIDS in Nigeria (APYIN)
Association of Women of Southern Europe AFEM
Australian Fair Trade and Investment Network
BEYOND INITIATIVE FOR SOCIAL CONCERN -KENYA
Both ENDS
Brazilian Interdisciplinary Aids Association (ABIA)
Bread for the World
BUKO Pharma-Kampagne
Cancer Alliance
Cancer alliance
CAPI
CCC men support group
Center Tolerance and Peace
Centro de Estudios Legales y Sociales (CELS)
Child Way Uganda
Children Rights Information Network-Kenya
CITAMplus
CITIZEN HEALTH INITIATIVE.
Coalition for Health Promotion and Social Development (HEPS Uganda)
Coalition of Women Living with HIIV in Malawi
Coalizione Italiana per le Libertà e i Diritti civili (Italian Coalition for Civil Liberties and Rights - CILD)
Compromiso Universitario por la Salud A.C.
Consilium Scientific
Consumer Associatyion the Quality of Life-EKPIZO
CONTENTATIVA
DAWN (Development Alternatives with Women for a New Era)
Deutsche Allianz Klimawandel und Gesundheit e.V. - KLUG

Discordant couple's welfare group
Doctors for Vaccine Equity
Drugs For Neglected Diseases Initiative - DNDi
ELIMISHA VIJANA INIATIVE
Federação Nacional doe Farmacêuticos
Focus on the Global South
Forum Umwelt und Entwicklung
Foundation for Integrative AIDS Research (FIAR)
Fundación IFARMA
FUNSALBARME
Global Citizen
Global Health Advocates
Global Humanitarian Progress Corporation GHP Corp
Global Justice Now
Global Network of People Living with HIV (GNP+)
GongGam Human Rights Law Foundation
Grupo de Amigos con Vih AC
Grupo de Trabalho sobre Propriedade intelectual GTPI
Gubio Community Progressive Initiative, Gubio
Health GAP
Health Justice Initiative - South Africa
Health Poverty Action
Human Rights Watch
ICHANGE
Indonesia for Global Justice (IGJ)
Initiative for Social and Economic Rights
Intenational community of women living with HIV -kenya chapter
International Trade Union Confederation
International Treatment Preparedness Coalition (ITPC) Global
IT for Change
Just Treatment
Kenya county government workers union
Kenya Legal & Ethical Issues Network on HIV and AIDS
Kenya National Constitution Rights Intergeated Centre -Leadership
Kenya Treatment Access Movement-KETAM
Kisumu sexworkers Aliance
KLUG - German Climate and Health Alliance
KUBORESHA-AFRICA LIMITED
Lean on Me Foundation
Living bread widows and widowers organisation
LoDDCA
Lydia Njeri foundation
Medical impact
medico international
Médicos del Mundo
Member of the German Bundestag, DIE LINKE
Mentors Youth Alliance
Mombasa Women for Peace
Movement Law Lab - Global Network of Movement Lawyers
MSF Access Campaign
Mwamba orphan education center

Nakuru women peace and security
Nelson Mandela Foundation
Nelson Mandela TB HIV Community Information CBO
NEPHAK
NEPOTEHC (Network of Post Test HIV and Aids Community Organization)
Network for Empowerment in Rural Areas and Townships (NERAT)
Network of TB Champions Kenya
Nurture Culture Society Kenya
Oxfam
Pacific Network on Globalisation
Pamoja TB group
People's health movement
People's Health Movement South Africa
People's Vaccine Alliance
Pharmaceutical Accountability Foundation
PLAN Health Advocacy and Development Foundation
Public Eye
Public Services International
Rekat Peduli Indonesia Foundation
Réseau Accès aux Médicaments Essentiels
Rethink Trade
Salud por Derecho
Salud y Farmacos USA
Samaritan care and Support initiative
Section27
SMIT TB Patients Association, Moldova
Southern and East African Trade Institute (SEATINI South Africa)
St Columba's Presbyterian Church Hatfield
Stop TB partnership Kenya
Stop TB Partnership Kenya
STOP TB PARTNERSHIP-KENYA
STOPAIDS
SumOfUs
Sundial Merchants
Swaziland Migrant Mineworkers Association
Talaku
TALAKU COMMUNITY ORGANIZATION
TENDER AND CARE OF PLHIV JENYA
TORRO CENTER FOR CARE AND SUPPORT FOR ADOLESCENTS CHILDREN AND WOMEN
Trade Justice Education Fund
Treatment Action Group
Tuberculosis Social Observatory Mexico
Uniting Church in Australia, Synod of Victoria and Tasmania
Universal Relief Foundation
Universities Allied for Essential Medicines
Verein demokratischer Pharmazeutinnen und Pharmazeuten VdPP
Wemos
Women fighting AIDS in Kenya
Women in peace network
Women's rights Advancement and protection alternative WRAPA
World Vision Deutschland e.V.

Wote Youth Development Projects
Youth Foundation of Bangladesh
ZCBTA

