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Dear Ministers

Re: Waiver from certain provisions of the WTO TRIPS agreement for the prevention, containment and treatment of COVID-19

We, the undersigned Australian civil society organisations, urge the Australian Government to support the proposal sponsored by India and South Africa to waive certain provisions of the World Trade Organisation (WTO) Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement for the duration of the COVID-19 pandemic.

As the world looks to emerge from the COVID-19 pandemic, access to COVID-19 vaccines is set to further entrench global inequality. More than 85 developing countries will not have widespread access to COVID-19 vaccines before 2023.¹ Young, healthy people in rich countries are being vaccinated before frontline workers and at-risk people in poorer countries.

The World Health Organisation (WHO) Director-General has warned: “the world is on the brink of a catastrophic moral failure – and the price of this failure will be paid with lives and livelihoods in the world’s poorest countries.” The WTO TRIPS agreement, which entrenches 20 year monopolies on new medicines before cheaper versions can be produced, is preventing the ramping-up of production of affordable vaccine supplies.

The proposal for a waiver from certain provisions of the TRIPS agreement is urgently needed to enable developing countries to respond to the pandemic. The waiver would be on the patents, trade secrets, copyright, and industrial designs aspects of the agreement, for the duration of the COVID-19 pandemic. The waiver proposal will cover COVID-19 medical products including medicines, vaccines, diagnostics, and other technologies such as masks and ventilators, and would allow developing countries to expand production and access to these much-needed supplies during the pandemic.

No one is safe unless everyone is safe. To overcome this pandemic, we need global cooperation and solidarity.

¹ <https://www.eiu.com/n/85-poor-countries-will-not-have-access-to-coronavirus-vaccines/>

Over the past year, COVID-19 has claimed millions of lives and continues to cripple societies and economies. This presents an opportunity for solidarity, equity and justice in which governments should take the steps needed to overhaul a system that has not been fit for purpose for decades.

To overcome this pandemic, we need global cooperation and solidarity. The governments of India and South Africa's proposal to suspend the rules on patents that prop up pharmaceutical monopolies is gathering momentum: it is now co-sponsored by several developing countries, and is supported by almost 100 countries around the world.

We call on the urge the Australian Government to:

1. To support developing countries to overcome the pandemic by supporting this waiver from certain aspects of the TRIPS agreement at the upcoming WTO meeting. The waiver is critical to maximising global production capacity, ensuring affordable prices and facilitating technology transfer, in order to end the pandemic as quickly as possible, and protect as many lives as possible;
2. To join the WHO COVID-19 Technology Access Pool (or C-TAP) – a mechanism launched last year to facilitate the sharing of know-how and intellectual property to enable any manufacturer or government to produce COVID-19 vaccines, treatments and other health technologies.

We urge the Australian Government to value human rights above intellectual property rights, and take urgent action to support developing countries to end the COVID-19 pandemic.

