

President Cyril Ramaphosa

Via email

21 March 2022

Dear President Ramaphosa,

We support and commend your tireless leadership on the Trade Related aspects of Intellectual property (TRIPS) Waiver proposal with respect to COVID-19 products and technologies including diagnostics, therapeutics, and vaccines at the World Trade Organization (WTO). Despite your clear articulation of the need for a comprehensive waiver of all blocking intellectual property barriers, not just patents, and the need for access to treatments and other medical countermeasures, not just vaccines, the recently leaked draft text does not waive the IP barriers necessary to deliver any meaningful access to vaccines, treatments, or tests. We support you fully in rejecting this misleading and ineffectual proposal, which represents the European Union's belligerent blockade of any actual waiver of IP barriers and the United States' insistence that the IP waiver it supports be limited to vaccines.

Developing countries have experienced the worst effects of COVID-19. The crisis is far from over as infections and deaths continue all over the world. New variants are also expected to emerge, with the potential to further devastate countries socially and economically. A meaningful outcome on the TRIPS Waiver proposal holds the key to promoting equitable access to the COVID-19 medical tools that can facilitate and sustain socio-economic recovery and protect the lives and livelihoods in South Africa, India and many other developing countries. It is for this reason, your waiver proposal is co-sponsored by 65 WTO Members and has received widespread support from the international community.

In contrast to your inspiring leadership for a meaningful waiver of IP barriers, this text reflects the interests of multinational pharmaceutical companies in preserving the deadly status quo.

The text leaked earlier this week:¹

- Only covers vaccines, not lifesaving treatments or the diagnostics for testing COVID-19 which are a crucial part of an arsenal to prevent, treat and contain COVID-19.
- Largely restates the existing limited flexibilities to overcome only patent barriers that already exists in Article 31 of the TRIPS text. This has proved unfit for boosting production of COVID-19 vaccines. And this text adds new burdensome conditions not now required by WTO rules that would impose additional limits on countries using non-voluntary licensing.
- It also continues to require product-by-product authorization, meaning no simplified pathway for follow-on manufacturers to produce and enter the market.
- The leaked text also does not waive other forms of IP barriers that thwart COVID vaccine production, including protection of undisclosed information (Article 39). This is essential for the production of COVID-19 vaccines.

¹ <https://www.statnews.com/pharmalot/2022/03/15/covid19-vaccine-patents-wto/>

We strongly support South Africa not agreeing to this proposal. We are keen to work with you as you lead the world to obtain a useful and meaningful outcome that facilitates diversification and expanded production and supply. Like civil society groups around the world, we believe a bad deal is worse than no deal. We want to work with you to support an outcome at WTO that will make a difference in battling COVID. The leaked text fails that test.

Yours sincerely,

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Joseph Stiglitz
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Awarded the 2001 Nobel Prize in Economics

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