



The President
The White House
1600 Pennsylvania Avenue, N.W. Washington, DC 20500

November 19, 2021

Dear President Biden:

With less than two weeks before the World Trade Organization (WTO) Ministerial Conference begins on November 30, we are writing to request your personal engagement in delivering a temporary waiver of certain WTO rules so that countries can remove intellectual property barriers that are limiting the supplies of COVID-19 vaccines, treatments and diagnostic tests necessary to end the pandemic.

A meaningful WTO waiver that can facilitate the necessary scale-up in production will only be agreed if the Biden administration applies maximum diplomatic and political pressure to make it happen. Doing so will require an intensified effort now.

The stakes could not be higher: Failure to enact a waiver will prolong the pandemic leading to more death, illness, economic hardship, and social and political disruption.

The most important thing the WTO can do to end the pandemic is to get out of the way by removing WTO intellectual property barriers to saving lives. The vast majority of WTO member nations agree that means waiving some WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) rules. Indeed, what would be the point of holding a WTO Ministerial now unless it is to enact an effective COVID-19 intellectual property waiver?

We celebrated your May 5 support for a WTO waiver, which you rightly identified as among the extraordinary measures world leaders must take to save lives given the extraordinary threat the pandemic poses. U.S. support initially moved most countries that had opposed to reverse course. The Pope, myriad former heads of state and Nobel laureates, and health officials and experts worldwide all support a waiver. Yet, six months later there has been no progress on enacting it.

We have been very disappointed that the Biden administration has since been unwilling to take further leadership to ensure a waiver text is successfully concluded and adopted, even as 100-plus WTO member countries support a waiver. U.S. passivity has empowered close U.S. allies — the European Union, on behalf of Germany, plus Switzerland and the United Kingdom — to block progress even as millions die or become seriously ill waiting for effective vaccines and treatments.

More than a year after an emergency WTO waiver was first proposed, fewer than 7% of people in low-income nations have received a first shot. There remains an absolute shortage, and ongoing extreme inequality of access. The world needed more than 11 billion doses in 2021 *before* boosters and kids' vaccination began. As former CDC director Tom Frieden recently noted, vaccine makers have not met their production pledges and access to the most effective vaccines is limited. There is no plan to make enough to meet the 70% global vaccination goal by September 2022 that you pledged at the United Nations. And billions more doses will be needed *every year* for boosters and to combat new variants.

Securing a temporary WTO waiver will also help ensure that people worldwide can gain access to the new treatments that promise to save lives. Health systems around the world need to be equipped with the full range of medical tools to tackle the ongoing uncertainty of the pandemic. While promising antiviral medicines are emerging, pharmaceutical firms are using their intellectual property monopolies to undermine universal access to these life-saving treatments by segmenting global markets so that generic production and sale is only allowed for some countries instead of maximizing the scale of generic production by possible suppliers everywhere in the world.

In sum, the circumstances that led you to support waiving the WTO intellectual property barriers have not changed. Nor has the reality that ensuring people worldwide can get vaccinated and have access to tests and treatments is how you end the pandemic.

That is why we hope you will agree that the time has long passed for WTO declarations about trade and health, and all efforts that prioritize protecting the WTO's reputation rather than saving peoples' lives and ending the pandemic. Indeed, a cynical public relations effort to issue a declaration relating to health or COVID-19 without actually waiving the WTO intellectual property rules that are prolonging the pandemic would only further undermine the WTO's relevance and legitimacy.

What is urgently needed and what we are urging you to deliver for this WTO Ministerial is *action* by the WTO members to waive specific WTO TRIPS rules that guarantee pharmaceutical corporations with monopoly rights to control supplies of COVID-19 vaccines, treatments and diagnostic tests and where they are distributed. Doing so will unlock IP barriers that have been inhibiting qualified independent producers in developing countries from scaling up production and supplies.

Has the world learned nothing from the millions of people who died from AIDS in the developing world because rich countries stalled a WTO waiver for years and people could not get the anti-retroviral medications that made HIV a manageable disease in rich countries? Twenty-two years ago, at the WTO Seattle Ministerial, developing countries then also led by South Africa demanded a TRIPS waiver and no waiver was agreed. It was two more years and millions of preventable deaths before any WTO action.

As was the case then, we will continue to fight relentlessly for a waiver of the WTO's intellectual property rules to remove barriers to universal access until people worldwide can get the medicines they need to be safe and the COVID-19 pandemic is ended. It would be entirely unacceptable if such a waiver were not agreed at the imminent WTO Ministerial.

President Biden, billions of people here and around the world are relying on you to deliver. Your leadership in securing a meaningful WTO waiver and helping to end the COVID-19 pandemic and the misery it is causing all of humanity is a moral necessity. It would help restore U.S. standing around the world and create a sense of relief among U.S. residents that their president was taking strong action to return normalcy to their lives.

Sincerely,

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