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9 March 2021

Open letter to governments blocking the proposal to remove monopolies on COVID-19 medical tools during the pandemic

I write as the International President of Médecins Sans Frontières (MSF) to ask governments blocking or delaying the decision on a landmark request at the World Trade Organization (WTO) to stop stalling the process. All WTO members should support countries' efforts to combat the COVID-19 pandemic with lifesaving health technologies.

If granted, the request would enable a temporary waiver of certain intellectual property under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), removing monopolies on COVID-19 medical tools during the pandemic. Submitted by India and South Africa in October 2020, it is now co-sponsored by 58 countries. Around 100 countries welcome the proposal, and hundreds of civil society groups and international organizations support it.

Since January 2020, MSF has responded to the COVID-19 pandemic in more than 70 countries to help continue essential health services and ensure that people with COVID-19 receive sufficient care. Early in the pandemic, countries experienced shortages of essential medical supplies, leading to difficult decisions rationing the provision of lifesaving care.

Intellectual property, technology, data and knowledge of COVID-19 health technologies should be openly shared, allowing competent producers to produce and supply worldwide. Yet one year into the pandemic, pharmaceutical corporations continue maintaining their market monopolies, including on technologies benefitting from significant public investments. Companies still hold the main decision-making power on where medicines and vaccines can be produced, who gets them first, and what prices to charge, through secretive commercial deals. Few companies have taken steps to expand manufacturing and supply through existing capacity in developing countries. The pharmaceutical sector has also not shown any concrete support for initiatives that encourage global open sharing of COVID-19 intellectual property and health technologies, such as the World Health Organization's COVID-19 Technology Access Pool (C-TAP).

In addition to the lack of collaboration by pharmaceutical corporations, many wealthy countries have secured the majority of the available COVID-19 vaccines supplies. Some of these countries acknowledge the importance of technology transfer in scaling up production and supply in developing countries, but have taken no concrete action to ensure this happens.

Without greater efforts to increase the number of suppliers of essential medical tools globally, people in developing countries will continue to face disproportionately limited access. Countries should make full use of existing legal flexibilities in intellectual property laws to

safeguard public health. However, these flexibilities can only go so far in the pandemic when the global needs are immense.

The waiver proposal provides a supplemental policy option that can more quickly remove the legal risks that may hinder production and supply of COVID-19 medical tools. This could facilitate better collaboration in development, production and supply without being restricted by private industry's interests and actions. Importantly, it provides governments with all possible available tools to ensure global access.

Given the clear public health benefits that the TRIPS waiver proposal offers, we are deeply concerned by a limited number of wealthier nations that are rigorously blocking or delaying the negotiation at WTO. Coincidentally, many of the countries blocking or delaying the waiver, including Australia, Brazil, Canada, the EU, Japan, Norway, Switzerland, the UK and the US, have secured the majority of available vaccines.

Any existing and future medicines, vaccines, diagnostics and other lifesaving medical tools must be treated as global public goods, free from private monopolies and available and accessible for all.

Sincerely,

A handwritten signature in black ink, appearing to be 'Christos Christou', written in a cursive style with a long horizontal flourish at the bottom.

Dr Christos Christou
International President, Médecins Sans Frontières