

Mike Podmore (Director)
STOPAIDS
Mainyard Studios
90 Wallis Road
London, E5 9LN

Rt Hon Anne-Marie Trevelyan MP
Secretary of State
Department for International Trade
Admiralty Place
London, SW1A 2DY

Monday 30th May 2022

Dear Secretary of State: trevelyan@trade.gov.uk

CC:

Simon Manley, Ambassador and Permanent Representative, UK Mission to the WTO, UN and Other International Organisations (Geneva, FCDO): simon.manley@fcdo.gov.uk

James Bowler, Permanent Secretary of the Department for International Trade (DIT):
perm.sec@trade.gov.uk

Tim Moss, Chief Executive and Comptroller General, Intellectual Property Office (IPO):
tim.moss@ipo.gov.uk

We are writing to reaffirm the position of UK civil society organisations (CSOs) on the ongoing World Trade Organisation (WTO) COVID-19 negotiations related to intellectual property (IP), and to express our concerns about the UK's position and approach. We would also like to highlight what has been a deeply flawed consultation process carried out by the UK Government with UK CSOs on this issue.

Negotiations at the WTO on COVID-19 IP have been ongoing for a year and a half, since the original TRIPS waiver proposal was put forward by South Africa and India in October 2020. The proposal aims to appropriately address the legal barriers to maximising production and supply of medical products needed for COVID-19 treatment and prevention. Since first tabled, UK CSOs have made clear [our full support for the original TRIPS waiver proposal](#), and have urged the UK Government on multiple occasions to do the same.

Despite this, and the overwhelming support for this proposal by [over 100 other countries, including over 60 co-sponsors](#), the UK and a small group of wealthy countries did not support the proposal and blocked it from progressing. As such, current negotiations focus around a [new proposal](#) tabled by the WTO Director General, which emerged in a bid to reach consensus. As UK CSOs we have been clear about the [serious flaws of this new proposal and, as currently articulated, it does not amount to a waiver as proposed](#).

As such, we take this opportunity to re-emphasise that the text is seriously flawed as it stands, but to also clarify that we do not support a UK Government approach that would seek to delay and further dilute any hope of a meaningful WTO agreement to waive COVID-19 IP rules. Instead, we call on you once again to support the original TRIPS waiver proposal. On the proposed text currently under negotiation, the UK should urgently change paths and work with other governments to strengthen the text to get it as close as possible to the original TRIPS waiver proposal.

Since October 2020, we have strived to engage fully with the UK Government on this issue. We have met with the relevant UK Departments, namely the Intellectual Property Office (IPO) Department of International Trade (DIT) and the Foreign, Commonwealth and Development Office (FCDO) on a number of occasions, each time at our request. We expressed our views on the original TRIPS waiver proposal, as well as the new proposal currently being negotiated. We have consistently provided clear evidence for our positions, including the detrimental role IP has played in restricting supply and affordable access to COVID-19 health technologies, and the role the original TRIPS waiver proposal would play in overcoming this.

Despite this, engaging in a meaningful manner in these discussions with the UK Government has not been possible due to the manner in which these meetings were conducted. For example, we have never been provided any clarity on the UK Government's position on the TRIPS waiver beyond the repeated assertion that IP rules were responsible for the rapid development of COVID-19 medical tools and do not present a barrier to access. No evidence has been provided to support this claim, despite multiple requests.

Most recently, we understand that the UK made clear at the WTO that negotiations should not be rushed, and time was needed in order to "[consult with stakeholders](#)". Following repeated requests from our coalition to discuss the new proposal with IPO, DIT and FCDO in depth, we were offered just a 30 minute meeting on 23rd May. However, we were once again told it was not possible for the UK Government to share their position on the new text with us and our questions on the UK's negotiating objectives and strategy went unanswered. As such, we would like to stress that this meeting did not constitute a meaningful consultation.

[WHO estimates](#) suggest there have been four times as many deaths from COVID-19 in lower income countries than high income countries. Any meaningful outcome on waiving the IP barriers to life-saving COVID-19 technologies is too late to help prevent the countless lives already lost to vaccine inequality. But it is not too late to redress today's extreme COVID-19 treatment inequality or to facilitate timely equitable global access to newer more effective COVID-19 vaccines, tests and treatments. Once again, as WTO negotiations intensify, we urge the UK Government to take a different approach and support rather than obstruct a comprehensive TRIPS waiver agreement for COVID-19. We also request that the Government engage meaningfully with CSOs on this issue, act with greater transparency on their position, provide evidence to back-up their claims and allow adequate time for meetings.

In the interests of transparency, we will be sharing our position and this letter publicly, including with the WTO Director General, Ngozi Okonjo-Iweala, and Chair of the TRIPS Council, Ambassador Lansana Gberie, as well as all WTO delegates.

Yours Sincerely,

UK Missing Medicines Coalition, namely:

STOPAIDS

Just Treatment

Global Justice Now

Oxfam GB

MSF UK

Health Poverty Action