

Open letter to WTO Director General and all WTO Members

19 November 2021

Dear Director General Ngozi Okonjo-Iweala and all WTO Members,

We are writing with great urgency regarding the abrogation of process leading up to the 12th Ministerial Conference of the WTO (MC12), and to reinforce that the absence of a meaningful outcome on TRIPS Waiver means that the WTO has failed to mount the required response to the ongoing COVID-19 pandemic that continues to devastate countries socially and economically.

Intellectual property rules - enforced by the WTO's Trade-Related Intellectual Property Rights (TRIPS) agreement - are key barriers to containing the COVID-19 pandemic. They confer monopolies, hinder the freedom to operate, and the scaling up of production, directly contributing to inequitable access around the world but especially in developing and least developed countries.

The TRIPS Waiver proposal (IP/C/W/669/Rev.1) was submitted in October 2020 and since has been supported by the majority of WTO Members, international organizations (e.g. the WHO, UNAIDS, UNITAID, UNCTAD), world leaders, faith leaders, civil society, parliamentarians and trade unions. This proposal which calls for a waiver from certain provisions of the WTO-TRIPS Agreement (with respect to patents, protection of undisclosed information, copyright and industrial designs) is globally viewed as being central to any effective WTO response to COVID-19 and to achieving equitable access.

Despite the significance of the TRIPS Waiver proposal, and after more than one year of intense discussion there does not seem to be much progress towards a meaningful outcome. Instead, scandalously the General Council Chair Dacio Castillo unilaterally selected Ambassador Walker of New Zealand to chair discussions on a declaration titled "WTO response to the COVID-19 pandemic". Ambassador Walker also unilaterally tabled a proposed text which is clearly not designed to resolve the pandemic. Rather, the draft text promotes the same liberalization demands made by developed countries in various fora and interventions that will further constrain regulatory space and policy tools available to WTO Members, while further entrenching corporate influence in the institution, drastically undermining the Member-driven character of WTO as mandated in the Marrakesh Agreement.

Walker's text also calls on WTO Members to establish a "Work Plan on Pandemic Preparedness and Resilience" that will carry the work post MC12 on the WTO response to the COVID-19 pandemic and potentially other future crises. However, the main intent of this work-plan appears to be to push the liberalization and deregulatory interests of developed countries and undermine existing mandates including the Doha mandate of 2001, which has multiple issues of interest to developing countries that were never delivered. Notably, the Walker process specifically excludes discussion on the most important topic: the TRIPS waiver.

The reality is that the Walker process is a deplorable attempt by the WTO to cover up what should be a grave humiliation: its inability to agree to remove key obstacles to resolving the COVID-19 pandemic by waiving intellectual property barriers as per the TRIPS waiver proposal. Millions of people have died because of the WTO's vaccine apartheid and inequitable access.

The WTO's response to the pandemic, thus, must be understood as attempting to ensure that the global pandemic not interfere with corporate desires to maintain profits even at the expense of lives and livelihoods globally. Instead, we call on governments and the WTO to ensure that trade rules do not hinder the global effort to end the pandemic and achieve global public health.

Another process we are concerned about is the push for establishing a new working group on WTO reform. Developing countries and many civil society campaigns have long called for reform of the multilateral trading system in favor of developing countries and large vulnerable constituencies such as small farmers, producers, workers, patient groups and indigenous peoples. However, it is clear from their propositions that developed countries are attempting to undermine the core fundamentals of the WTO's mandate as a multilateral institution and alter decision-making procedures. Instead, they wish to normalize the "Joint Statement Initiatives (JSIs)" launched at the Buenos Aires Ministerial and henceforward, which will undermine the multilateral nature of the organization and its ability to deliver anything useful for developing countries and LDCs. They also attack developing country self-designation, a key legal principle of the WTO, thus eventually limiting the availability of special and differential treatment to many developing countries and LDCs. The reform narrative is also being utilized by some developed countries to inject into the WTO agenda issues that will further constrain the policy tools available to developing countries and open up more space for big business to influence the WTO agenda.

We are gravely concerned with the further marginalization of existing multilateral mandates for negotiations, such as the overdue Doha Development mandate, in particular to strengthen special and differential treatment flexibilities and make them more precise, effective and operational; deliver an expedited solution on cotton; and public stockholding for food security purposes, amongst other mandated issues. These attempts seem to seek to further entrench the WTO as a power-based rather than rules-based organization.

Different preparatory processes towards MC12 are being convened in a way that excludes the vast majority of WTO Members, while over-privileging the participation of developed country members. Exclusionary "Green Room" processes should be anathema to WTO Members and must be eliminated.

In addition, for the first time at a Ministerial Conference, the WTO Secretariat is drastically restricting the very minimal access that is allowed to civil society organizations (CSOs) and has even gone so far as to abolish the very tiny provision of facilities at the NGO center.

We urgently call on WTO Members to engage in a course correction: to agree immediately to the TRIPS waiver as proposed; to halt the sham Walker process' on further liberalization and imposition of regulatory constraints and instead focus on real solutions; to focus WTO

reform efforts on removing barriers to development; to halt all “Green Room” processes; to ensure full access to participation by all WTO Members to all negotiations; and to restore at least the very minimum levels of participation of civil society to the Ministerial Conference.

Endorses as of November 19, 2021:

International and regional networks:

1	Africa Development Interchange Network (ADIN)	ADIN is a non-profit NGO that specializes in development, poverty alleviation and people's rights in a safe environment. Accredited by the UN in the Financing for Development process (FfD), ADIN works in close collaboration with UNDP and the Commonwealth Foundation on Trade, FfD and the evaluation of SDGs progress in Africa. It also works toward enhancing the participation of people of the grassroots in democracy and governance processes as well as carrying their voice in global events.
2	Amnesty International	Amnesty International is a movement of over 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Amnesty International's vision is of a world where those in power keep their promises, respect international law and are held to account.
3	Asia Pacific Forum on Women, Law and Development	APWLD is the leading network of feminist organizations and individual activists in Asia Pacific. APWLD’s 252 members represent groups of diverse women from 27 countries in Asia Pacific. Over the past 34 years, APWLD has actively worked towards advancing women’s human rights and Development Justice.
4	Candid Concepts Development	Candid Concepts Development is a civil society organization focused on social capital and human development.
5	DAWN (Development Alternatives with Women for a New Era)	DAWN is a feminist network based in the Global South working to promote gender equality and women's human rights within a just and sustainable economic, political, ecological and social system.
6	European Attac Network	ATTAC is an international organization involved in the alter-globalization movement. ATTAC opposes neo-liberal globalization and works to develop social, ecological, and democratic alternatives so as to guarantee fundamental rights for all.
7	Focus on the Global South	Focus on the Global South (Focus) is a non-governmental organisation with twenty staff working in Thailand, the Philippines and India. Focus combines policy research, advocacy, activism and grassroots capacity building in order to generate critical analysis and encourage debates on national and international policies related to corporate-led globalisation, neo-liberalism and militarisation.
8	Foundation for Integrative AIDS Research	FIAR works on projects with a mission to develop an evidence-based approach to management of HIV, hepatitis C with a particular focus on under-studied interventions including micronutrients and botanical medicines. FIAR works on prevention issues and has been deeply involved in analyzing interventions for the management of SARS-CoV-2 infection.

9	Global Health Advocates	An NGO advocating for health for all at the EU level and in France and fighting against health inequalities.
10	Health Poverty Action (HPA)	HPA acts in solidarity with health workers, activists and communities worldwide to improve health and challenge the causes of poverty. HPA is based in London, United Kingdom, and has staff working across the world, including in Guatemala, Myanmar, and Ethiopia.
11	HIV Legal Network	The HIV Legal Network, formerly the Canadian HIV/AIDS Legal Network, promotes the human rights of people living with, at risk of or affected by HIV or AIDS, in Canada and internationally, through research and analysis, litigation and other advocacy, public education and community mobilization.
12	Latin American Network for Access to Medicine (RedLAM)	RedLAM directs its objectives, strategies and actions to working towards eliminating the barriers to access to HIV medications caused by intellectual property rights and other exclusive rights.
13	Othernews	Othernews is an international association that disseminates news and analysis on global issues little discussed in the mainstream to help build awareness and civic consciousness. We protect democracy by sharing correct and verified information.
14	Pacific Network on Globalisation (PANG)	PANG is a regional network based out of Suva, Fiji whose aim is to support the rights of Pacific peoples to be self-determining - politically, economically and socially. PANG is a research institution that seeks to build the capacity of constituencies at the grassroots, national and regional level to understand how trade agreements implicate indigenous peoples rights to be self determining.
15	Peoples Health Movement (PHM)	PHM is a global network bringing together grassroots health activists, civil society organizations and academic institutions from around the world, particularly from low and middle income countries (L&MIC). PHM currently has a presence in around 70 countries.
16	Seattle to Brussels Network (S2B)	S2B is a European Network of civil society and social movement organisations working on trade and investment policies.
17	Society for International Development (SID)	SID is an international network of individuals and organisations concerned with development that is participative, pluralistic and sustainable.
18	Southern and Eastern Africa Trade Information and Negotiations Institute (SEATINI)-Uganda	SEATINI-Uganda is a Pan African Non-Governmental Organization (NGO) working on trade, fiscal and development related issues for the realisation of sustainable development and improved livelihoods in Uganda, East Africa and the African Region.
19	Third World Network (TWN)	TWN is an independent non-profit international research and advocacy organisation involved in issues relating to development, developing countries and North-South affairs.
20	Third World Network-Africa (TWN-Africa)	TWN-Africa works on issues of global economic order and how that affects Africa's economic transformation
21	Urgent Action Fund for Women's Human Rights	Urgent Action Fund partners with women's movements worldwide to support women's human rights defenders striving to create cultures of justice, equality and peace.

National organizations:

22	Positive Group Effect Foundation (FGEP)	Argentina
23	Free Path Foundation	Argentina
24	World of Work Institute (IMT-UNTREF)	Argentina
25	Australian Fair Trade and Investment Network	Australia
26	Attac Austria	Austria
27	KOTHOWAIN (Vulnerable Peoples Development Organization)	Bangladesh
28	11.11.11	Belgium
29	Brazilian Interdisciplinary Aids Association (ABIA)	Brazil
30	Gestures - Seropositivity, Communication and Gender	Brazil
31	Canadian Centre for Policy Alternatives	Canada
32	IFARMA Foundation	Colombia
33	UDAPT (Union of the Affected by Texaco)	Ecuador
34	Friends of the Earth-France	France
35	PowerShift e.V.	Germany
36	Naturefriends Greece	Greece
37	Ibn Sina Academy of Medieval Medicine and Sciences	India
38	Association for the Promotion of Sustainable Development	India
39	Delhi Network of Positive People (DNP+)	India
40	Madhyam	India
41	IT For Change	India
42	Indonesia for Global Justice (IGJ)	Indonesia
43	Attac-Ireland	Ireland
44	Fairwatch	Italy
45	Pacific Asia Resource Center (PARC)	Japan
46	Sahabat Alam Malaysia (SAM)	Malaysia
47	Consumers' Association of Penang	Malaysia
48	Gender Equality: Citizenship, Work, and Family	Mexico
49	National Campaign for Sustainable Development	Nepal
50	Federation of Dutch Trade Unions (FNV)	Netherlands
51	Both ENDS	Netherlands
52	Handel Anders!	Netherlands
53	New Zealand Council of Trade Unions	New Zealand
54	New Zealand Alternative	New Zealand
55	FIRST Union	New Zealand
56	It's Our Future	New Zealand
57	The Karibu Foundation	Norway
58	Handelskampanjen (The Trade Campaign)	Norway
59	Attac Norway	Norway
60	Noor Pakistan	Pakistan
61	International Health Action-Peru (AIS-Peru)	Peru

62	Trade Justice Pilipinas	Philippines
63	Center for United and Progressive Workers (SENTRO)	Philippines
64	Health Justice Initiative (HJI)	South Africa
65	People's Health Movement-South Africa	South Africa
66	SECTION27	South Africa
67	People's Health Movement-Korea	South Korea
68	People's Health Institute	South Korea
69	Korean Pharmacists for Democratic Society	South Korea
70	Ecologists in Action	Spain
71	Alliance Sud	Switzerland
72	Public Eye	Switzerland
73	Association for Proper Internet Governance	Switzerland
74	Child Way Uganda	Uganda
75	Global Justice Now	United Kingdom
76	War on Want	United Kingdom