



December 4, 2020

Honourable Kamina Johnson-Smith  
Minister of Foreign Affairs & Foreign Trade  
Ministry of Foreign Affairs & Foreign Trade  
21 Dominica Drive  
Kingston 5.

Dear Minister Johnson-Smith,

**Position at the WTO TRIPS Council of 10 December 2020**

I write on behalf of the Jamaica Confederation of Trade Unions (JCTU) to urge the Government of Jamaica (GOJ) to co-sponsor the proposal of India, South Africa, Kenya, Eswatini, Pakistan and Mozambique for a **"Waiver From Certain Provisions Of The TRIPS Agreement For The Prevention, Containment And Treatment Of Covid-19"**. We have to commend the African Caribbean Pacific (ACP) countries including Jamaica for supporting the aforementioned proposal, but believe that the cause will be even more strengthened if the member countries of the Group formally co-sponsor the proposal.

Our members have been delivering vital public services throughout the pandemic and we are concerned that the monopoly powers given to pharmaceutical companies by the World Trade Organisation's Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement will allow companies to make extravagant profits whilst workers and the public have worked tirelessly to ensure we overcome the crisis.

Without the waiver, pharmaceutical companies will be able to prevent other manufacturers from producing COVID19 vaccines and medicines, impeding scaling up of production. WTO rules ensure Big Pharma has a monopoly over the market and can dictate prices even to governments, which will consume public finances required for a healthy recovery.

Through the Doha Declaration on Public Health, governments recognised that flexibilities can be used in cases of serious public health crises. The Covid-19 pandemic represents the most serious public health and economic crisis in our lifetimes and the world will not prosper until we can eradicate the virus. The flexibilities contained in the TRIPS agreement will be insufficient unless all governments agree to the waiver.

At the latest meeting on the TRIPS Council on 20 November, the proponents responded to concerns raised by the opponents of the waiver. The main concern appears to be that pharmaceuticals innovations cannot take place without the incentive of high profits through IP monopoly. There are a range of ways that the costs of development can be covered. More importantly profit incentives create perverse public health outcomes, enable price gouging and exclude low income countries.

The waiver is supported by the [World Health Organization](#), [UN Human Rights Experts](#), [UNITAID](#) and [UNAIDS](#). I urge you to read the concerns they have raised around the current market-based approach to vaccine access. We call on you to demonstrate a commitment to global solidarity by sponsoring the Covid-related waiver proposal and making the waiver of TRIPS obligations for Least Developed Countries permanent.

Honourable Kamina Johnson-Smith  
Minister of Foreign Affairs & Foreign Trade

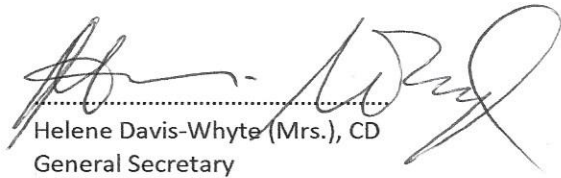
Page 2

December 4, 2020

---

I trust that our position will be shared with the official delegation to the TRIPS Council meeting scheduled for 10 December 2020. We would be happy to discuss this matter further with you or your representatives of the Ministry at your convenience.

Sincerely,



.....  
Helene Davis-Whyte (Mrs.), CD  
General Secretary

Copy to:

The Most Honourable Andrew Holness, ON, MP  
Prime Minister  
Office of the Prime Minister  
1 Devon Road  
Kingston 10.

Ambassador Cheryl Spencer  
Permanent Representative of Jamaica to the United Nations (Geneva)

---

# JAMAICA ASSOCIATION OF LOCAL GOVERNMENT OFFICERS

---



15A Old Hope Road (2nd Floor) Kingston 5  
Telephone: (876) 926-8233, 929-5123, Fax: (876) 960-4403

December 4, 2020

Honourable Kamina Johnson-Smith  
Minister of Foreign Affairs & Foreign Trade  
Ministry of Foreign Affairs & Foreign Trade  
21 Dominica Drive  
Kingston 5.

Dear Minister Johnson-Smith,

**Position at the WTO TRIPS Council of 10 December 2020**

I write on behalf of the Jamaica Association of Local Government Officers (JALGO) to urge the Government of Jamaica (GOJ) to co-sponsor the proposal of India, South Africa, Kenya, Eswatini, Pakistan and Mozambique for a "[Waiver From Certain Provisions Of The TRIPS Agreement For The Prevention, Containment And Treatment Of Covid-19](#)". We have to commend the African Caribbean Pacific (ACP) countries including Jamaica for supporting the aforementioned proposal but believe that the cause will be even more strengthened if the member countries of the group formally co-sponsor the proposal.

Our members have been delivering vital public services throughout the pandemic and we are concerned that the monopoly powers given to pharmaceutical companies by the World Trade Organisation's Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement will allow companies to make extravagant profits whilst workers and the public have worked tirelessly to ensure we overcome the crisis.

Without the waiver, pharmaceutical companies will be able to prevent other manufacturers from producing COVID19 vaccines and medicines, impeding scaling up of production. WTO rules ensure Big Pharma has a monopoly over the market and can dictate prices even to governments, which will consume public finances required for a healthy recovery.

Through the Doha Declaration on Public Health, governments recognised that flexibilities can be used in cases of serious public health crises. The Covid-19 pandemic represents the most serious public health and economic crisis in our lifetimes and the world will not prosper until we can eradicate the virus. The flexibilities contained in the TRIPS agreement will be insufficient unless all governments agree to the waiver.

At the latest meeting on the TRIPS Council on 20 November, the proponents responded to concerns raised by the opponents of the waiver. The main concern appears to be that pharmaceuticals innovations cannot take place without the incentive of high profits through IP monopoly. There are a range of ways that the costs of development can be covered. More importantly profit incentives create perverse public health outcomes, enable price gouging and exclude low income countries.

The waiver is supported by the [World Health Organization](#), [UN Human Rights Experts](#), [UNITAID](#) and [UNAIDS](#). I urge you to read the concerns they have raised around the current market-based approach to vaccine access.

Honourable Kamina Johnson-Smith  
Minister of Foreign Affairs & Foreign Trade

Page 2

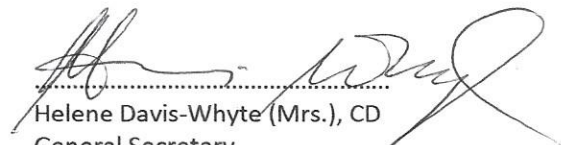
December 4, 2020

---

We call on you to demonstrate a commitment to global solidarity by sponsoring the Covid-related waiver proposal and making the waiver of TRIPS obligations for Least Developed Countries permanent.

I trust that our position will be shared with the official delegation to the TRIPS Council meeting scheduled for 10 December 2020. We would be happy to discuss this matter further with you or your representatives of the Ministry at your convenience.

Sincerely,



.....  
Helene Davis-Whyte (Mrs.), CD  
General Secretary

Copy to:  
The Most Honourable Andrew Holness, ON, MP  
Prime Minister  
Office of the Prime Minister  
1 Devon Road  
Kingston 10.

Ambassador Cheryl Spencer  
Permanent Representative of Jamaica to the United Nations (Geneva)