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The Hon. Dan Tehan
Minister for Trade, tourism and Investment
Parliament House
Canberra ACT 2600.

Cc The Hon. Madeleine King, Shadow Minister for Trade

Dear Minister Tehan

Re the WTO draft statement on trade and health and its failure to support the TRIPs waiver

As civil society organisations representing millions of Australians, we welcomed the Australian Government's public support in September 2021 for a temporary waiver on TRIPS rules on vaccines and other COVID-related products proposed by South Africa and India, sponsored by 64 WTO member governments, and supported by over 100 WTO member governments.

We urged you to take strong action in support, including by sponsoring the waiver. We note your letter of October 20, 2021 which repeated your support for the waiver but did not mention sponsorship.

The letter said that "Australia recognises that a waiver would send a powerful message of global solidarity and affirm the right of all countries to overcome any intellectual property barriers in responding to COVID-19."

The letter also said that Australia was "working with all members to bridge differences and find common ground as soon as possible."

We further note that the government response to questions in Senate Estimates on October 28 confirmed that Australia was not sponsoring the waiver.

We are extremely concerned that Australia has now sponsored a [draft WTO statement](#) on Trade and Health which is also sponsored by the main opponents of the waiver, the EU, UK, Switzerland and others which have been [lobbied by their pharmaceutical industries](#), which have already made [tens of billions](#) in vaccine revenue. The statement deals with tariff barriers, export restrictions and customs procedures, but does not mention intellectual property barriers or the waiver. We note the US, which has expressed support for the waiver on vaccines, is not a sponsor of this proposal.

We are gravely concerned that opponents of the waiver see this statement as an alternative to WTO support for the waiver. As they are still blocking agreement on the waiver itself, this could mean that the WTO Ministerial meeting would fail to act on the waiver at all.

Currently less than 5% of populations in many low-income countries have been vaccinated. Millions are still dying while more infectious strains of the virus develop. The waiver would enable increased production in developing countries to address the continuing failure to meet [World Health Organisation global vaccine coverage pledge](#) of 40% by the end of 2021, and 70% coverage pledge by mid-2022.

The world needed more than 11 billion doses in 2021 and now booster shots and children's vaccinations will increase demand even more in 2022. mRNA vaccine makers are significantly behind their production pledges, and [they have not agreed](#) to share their intellectual property under existing WTO rules. Nor has the [COVAX donation scheme](#) met its targets. Without the waiver, which would support other measures like regional manufacturing hubs to increase global production, there is no credible plan to make enough vaccines to meet the WHO targets for the global population.

If your government believes the waiver would send a powerful message of solidarity and affirm the right of all countries to overcome any intellectual property barriers in responding to COVID-19, then the failure to act on the waiver would be a major crisis for the credibility of the WTO as an institution. Instead of acting in solidarity with all of its members the WTO would be supporting the interests of global pharmaceutical companies at the expense of millions of lives.

We urge you to strongly support the waiver at the WTO Ministerial Meeting and to withdraw sponsorship of the draft WTO statement to avoid such a catastrophic failure.

We look forward to your response.

This letter is endorsed by Action Aid Australia, Amnesty International Australia, the Australian Council of Trade Unions (ACTU), Australian Fair Trade and Investment Network (AFTINET), Friends of the Earth Australia, Médecins Sans Frontières/Doctors Without Borders (MSF) Australia, Public Health Association of Australia, Oxfam Australia, SumofUS and Union Aid Abroad APHEDA.

Yours sincerely

Dr Patricia Ranald

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