



February 24, 2023,

The Hon. Mark Butler
Minister for Health and Aged Care
Parliament House, Canberra

Cc Senator Penny Wong, Minister for Foreign Affairs, Senator Don Farrell, Minister for Trade and Tourism

Dear Minister Butler,

Re Australian support for positive proposals in to be discussed at the WHO Pandemic Treaty negotiations commencing February 27, 2023

As you know, the World Health Organization (WHO) Pandemic Prevention, Preparedness and Response Accord (Pandemic Treaty) [zero draft](#) is to be discussed at the Intergovernmental Negotiating Body meeting commencing on February 27 (INB 4).

The undersigned organisations are writing to you because of our commitment to a meaningful WHO Pandemic Treaty which will build on the experience of the COVID-19 pandemic and enable an improved response for future pandemics.

Global inequities in access to COVID vaccines were a “catastrophic moral failure”, as the World Health Organization warned in [January 2021](#).

World Trade Organization (WTO) rules for 20-year patent and other intellectual property rights on COVID-related products meant that most of the global production of vaccines that were produced with [publicly -funded research](#) were sold at high prices to rich countries, with very low access for low income countries. The COVAX vaccine donation scheme [did not reach its modest targets](#) of 20 per cent vaccination rates in low-income countries by the end of 2021, and even today these rates remain at only [27.6 per cent](#).

We welcomed Labor’s [support](#) in Opposition for the call from over 100 member states of the WTO for a temporary waiver of monopolies on COVID-related products to enable expanded global production of vaccines and other products at affordable prices.

Because of delaying tactics by a few high-income countries it took 20 months of negotiations for members of the WTO to agree to a limited change to patent rules for COVID vaccines only in June 2022. During this time studies have estimated that over a million lives may have been lost through [lack of access to vaccines](#). There is even less access to treatments and tests, and consideration of a waiver from WTO rules for them has again been delayed.

The WHO zero draft has a series of positive proposals for future pandemics that would prevent similar failures by committing governments to support a temporary waiver on relevant WTO TRIPS rules for pandemic-related products from the beginning of the pandemic.

We urge you to support clauses found in Article 7 para 4 of the zero draft that commit the parties to support time-bound waivers of intellectual property rights that can accelerate or scale up manufacturing of pandemic-related products during a pandemic, and to applying the full use of the flexibilities provided in the TRIPS Agreement.

We also urge you to ensure that the Pandemic Treaty includes commitments to:

- incentivise technology transfer for manufacturing of pandemic-related products in low and middle-income countries;
- make public funding for research and development (R&D) of pandemic-related products conditional on open licensing and sharing of intellectual property, technology and know-how and include terms and conditions in contracts related to prices of products;
- require increased transparency related to public funding for R&D of pandemic-related products, including public dissemination of the results, terms and conditions and contractual terms for public procurement; and
- establish a mechanism overseen by the WHO to ensure equitable distribution of pandemic-related products.

Clauses that support improved access to pandemic-related products should be in the strongest possible enforceable language.

We ask that you meet with representatives of our organisations after the WHO meeting to discuss these issues.

We look forward to your response.

Yours sincerely



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This letter is endorsed by:

- Australian Fair Trade and Investment Network
- Amnesty International Australia
- Médecins sans Frontières (MSF) Australia
- Public Health Association of Australia
- Uniting Church in Australia, Synod of Victoria and Tasmania