

Monday 22nd February, 2021

Ms. Annett Günther
Ambassador
Embassy of the Federal Republic of Germany
Riverside Drive 113
Nairobi
Kenya

Dear Madam Ambassador:

RE: TRIPS Waiver Proposal at the World Trade Organisation (WTO)

We, the Jesuit Major Superiors of Africa and Madagascar, are writing to urge the German government to support the WTO proposal from South Africa and India for a “Waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of COVID-19.”¹ We add our voice to that of Pope Francis, who has affirmed the need to make COVID-19 vaccines available and accessible to all: “*if there is the possibility of treating a disease with a drug, this should be available to everyone, otherwise an injustice is created.*”² We are also lending our voice to over 100 countries, 400 civil society organisations globally³ and international organisations and that have already welcomed or supported the proposal.

Madam Ambassador, we are concerned that Germany did not strongly support the waiver proposal when it was first raised at the WTO in October 2020. With utmost respect, Germany and the EU’s opposition to the waiver is simply indefensible. It is contributing to the deepening global crises of inequality. The impacts of the pandemic among the world’s poor and vulnerable communities—especially in the global south—have been profound. Here in Africa, the crisis continues to escalate and many countries have recorded new strains of the disease said to be contributing to an increase in the number of both cases and deaths. The longer the virus circulates in unprotected populations, the higher the probability of more transmissible mutations to occur, which obviously will affect all countries, including those opposing the waiver proposal.

The globally agreed target of SDG 3.8, calls for “access to safe, effective, quality, and affordable essential medicines and vaccines for all.” At the height of the HIV and AIDS pandemic, intellectual property monopolies on HIV treatments led to a scandalous situation, whereby people living with HIV in the global South were only able to get access to life-saving antiretroviral therapy ten years after those in the US, European Union, Switzerland, UK, and Japan were able to do so. This led to millions of unnecessary deaths between the late 1990s and mid-2000s.

Furthermore, in Sub-Saharan Africa, life is under threat by both the virus’ impact on health as well as on economies. Forced to comply with lockdown measures to prevent the spread of the virus, households, which had no savings hitherto and are dependent on unprotected informal

¹ Waiver from certain provisions of the trips agreement for the prevention, containment and treatment of COVID 19

<https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True>

(accessed on 22nd February, 2021)

² Vaccine for all. 20 points for a fairer and healthier world.

<https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2020/12/29/201229c.html> (accessed on 22nd February, 2021)

³ https://www.twn.my/announcement/signonletter/CSOLetter_SupportingWaiverFinal.pdf (accessed on 22nd February, 2021)

wages, have lost their income sources. The African Development Bank has warned that the COVID-19 crisis “could move the continent further from the Sustainable Development Goal of eradicating extreme poverty”.⁴

In addition to the push for the TRIPS waiver, an equally important matter is the need for the very rapid scale-up of vaccine production. In principle, intellectual property should not stand in the way of urgent public health needs. Yet in practice, in the present circumstances, the real bottleneck today is financing to scale up production capacity and distribution of vaccines. Nations should also focus their attention on the issue of urgent multilateral financing.

Therefore, we ask Germany and the G20 to call for the IMF to issue a new round of Special Drawing Rights (SDRs) that would be used to fund rapid scale-up of vaccine production and distribution to developing countries. This would also be particularly important for the majority of African countries facing balance of payment shortfalls in the context of COVID-19. These funds could be mobilised in innovative ways to increase the financing capacity for the COVAX facility. In order to achieve meaningful results in 2021, COVAX should have guaranteed funds of US\$20–40 billion, which it would turn into firm agreements on expanded vaccine production.

Once more, with this letter we urgently request the Federal Republic of Germany to support the proposed TRIPS Waiver. You may wish to know that we have also sent a similar letter to the Delegation of the European Union in Nairobi, a number of other member countries of the EU and to the US and Canada.

We thank you in anticipation.

Yours Sincerely,



Agbonkhianmeghe E. Orobator SJ
President

⁴ AfDB, Africa Economic Outlook Supplement Amid COVID-19 at https://www.afdb.org/sites/default/files/documents/publications/afdb20-04_aeo_supplement_full_report_for_web_0705.pdf (accessed on 20th February 2021).