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TAG
Treatment Action Group

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

July 9, 2021

Dear President Biden:

We greatly appreciated your moral leadership in reversing Donald Trump's self-defeating blockage of World Trade Organization (WTO) negotiations for a temporary, emergency COVID-19 waiver of Agreement on Trade Related Aspects of Intellectual Property (TRIPS) barriers on COVID-19 health products. These WTO rules inhibit the scale-up of production of COVID-19 vaccines, treatments, tests and other health products necessary to save lives. People in other countries should not be left with inadequate supplies of the same life-saving technologies your administration has helped make available to people in our country. As U.S. Trade Representative Katherine Tai stated when announcing U.S. support for a waiver on May 5, the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures to save lives.

Now extraordinary, urgent action by the Biden-Harris administration is needed to get the waiver approved. Your support of the waiver initially shifted the dynamics of the WTO process. Critical U.S. allies followed your leadership and also announced their support, for textual negotiations, including with the Asia-Pacific Economic Cooperation (APEC) Trade Ministers statement in favor of the waiver. Indeed, thanks to your leadership, many in the small but powerful bloc of countries that had initially opposed the waiver joined U.S. support for this emergency action.

Despite your Administration's important pro-waiver announcement, German Chancellor Angela Merkel remains opposed and has ensured that the European Union remains opposed. Indeed, recently EU officials at the WTO have begun escalating tactics to delay, confuse, and derail a waiver, pitting the EU against the United States and the 130 other WTO member nations that support good faith and accelerated textual negotiations. We urge you to employ all means possible to turn this obstreperous opposition to good faith engagement.

Thankfully, your July 15 summit with Chancellor Merkel provides a unique opportunity to lead the world to the speedy adoption of a waiver by persuading Chancellor Merkel to join you and end her opposition. The valedictory visit to cap Chancellor Merkel's 16-years in office could become a momentous announcement of your unlocking the pathway to the temporary suspension of WTO intellectual property barriers limiting production of vaccines, tests, treatments, and other COVID-19 medical technologies needed to save lives and end the pandemic.

In addition to working with Chancellor Merkel, we also urge U.S. government officials to engage much more proactively and urgently in ongoing textual negotiations, where to date U.S. participants have played a passive, listening role instead of an active, leadership role. We also urge you to expand your support for a WTO waiver to include treatments and tests.

As you have stated, protecting Americans from COVID-19 and building the U.S. economy back better relies on ending COVID-19 for all people across the globe as soon as possible. The rising Delta variant makes brutally clear that the world is not winning the battles between vaccines and variants, or between treatments and needless deaths, or between tests and raging outbreaks.

In sum, the Merkel summit cannot be considered a success unless it includes an agreement for Germany to join your support for a waiver and to prioritize the fastest possible end of the pandemic.

Otherwise, the untenable loss of lives and livelihoods here and around the world that motivated your historic support for the waiver will continue. In contrast, the continuing success of your moral leadership at the Merkel summit and more proactive U.S. engagement in the waiver negotiations at the WTO can deliver relief for the world. The U.S. should work with key partners in Geneva to quickly finalize text removing intellectual property barriers to increased production and more equitable distribution of COVID-19 vaccine and then move on to agree on terms to remove IP obstacles for Covid-19 treatments, diagnostic tests, and other critical COVID-19 technologies and health products, all of which have been prioritized and deployed in the U.S.

The Biden-Harris administration's support for a temporary waiver of WTO intellectual property barriers to help save the world from the COVID-19 pandemic signaled that the U.S. is back. Getting a broad and comprehensive waiver that covers vaccines, treatments, and tests approved will signal that the U.S. is indeed a global leader.

Sincerely,

Paul O' Brien, Executive Director, Amnesty International USA
Sara Nelson, President, Association of Flight Attendants-CWA
Ady Barkan, Founder, Be A Hero
Asia Russell, Executive Director, Health GAP
Mary J. Novak, Executive Director, NETWORK Lobby for Catholic Social Justice
Abby Maxman, President and CEO, Oxfam America
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