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March 9, 2021

Her Excellency Xolelwa Mlumbi-Peter
Ambassador of the Republic of South Africa to the World Trade Organization
Chairwoman, WTO Council for TRIPS
South African Permanent Mission to the UN and other International Organisations
65 Rue du Rhône
1204 Geneva
Switzerland

Dear Ambassador Mlumbi-Peter:

The Covid-19 pandemic has been the worst public health crisis facing the world in over a century, with more than 113 million infected and more than 2.5 million dead.¹ Nurses and health care workers have been on the frontlines of the pandemic response in every country, and we have witnessed the staggering numbers of deaths and the immense suffering caused by political inaction. Global leadership is desperately needed so that people across the world can receive the protections and treatments they urgently need to fight Covid-19.

To that end, nurses around the world are united in urging the Council for Trade Related Aspects of Intellectual Property Rights (TRIPS) to take immediate and decisive action to dramatically mitigate and eventually end the catastrophic death and suffering caused by the Covid-19 pandemic. We urge the TRIPS Council to support the “Waiver from Certain Provisions of the TRIPS Agreement for the Prevention, Containment and Treatment of COVID-19” proposed by India and South Africa, and supported by more than 100 nations at the World Trade Organization (WTO).² It is vital that the TRIPS Council promptly take this important step to provide access to vaccines and medicines for all.

We write as leaders of national organizations affiliated with Global Nurses United (GNU), an international federation that unites nurse and health care worker unions in 29 nations around the world to advocate in the best interests of our patients, our communities and global public health. Over the past year, nurses have been on the frontlines of the coronavirus response at hospital bedsides and in our communities, caring for patients around the world throughout this horrific pandemic. We have directly seen the frightening

¹ Johns Hopkins University & Medicine, Coronavirus Resource Center, <https://coronavirus.jhu.edu/> (Accessed Feb 26, 2021).

² World Trade Organization, Council for Trade-Related Aspects of Intellectual Property Rights, Oct 2, 2020, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True>

toll that Covid-19 has had on our patients, our communities, our nations and our fellow health care workers. Hundreds of thousands of nurses and other health care workers around the world have become infected and many have died. This horrible disease knows no borders and to stop it, the people of the world must stand together in solidarity.

Our goal is to protect our patients and our communities, as well as ourselves, our families, and our colleagues. Nurses around the world believe strongly that, in the best interests of public health and ending the scourge of Covid-19, any and all treatments or vaccines that are shown to be safe and effective must be distributed equitably, and made available free at the point of service to all people. Governments around the world must act in the best interest of global health by taking the lead individually and as WTO members to ensure that any treatment or vaccine is made available equitably around the world, including ensuring the supply of efficacious vaccines to low- and middle-income countries at a low cost.

To that end, the world's nurses share the call to this Council made by India and South Africa, and echoed around the world: "Given this present context of global emergency, it is important for WTO Members to work together to ensure that intellectual property rights such as patents, industrial designs, copyright and protection of undisclosed information do not create barriers to the timely access to affordable medical products including vaccines and medicines or to scaling-up of research, development, manufacturing and supply of medical products essential to combat COVID-19."³ It is time to waive intellectual property rules to ensure equitable and speedy vaccine production and distribution.

While many wealthy countries have bilateral agreements with manufacturers of Covid-19 vaccines to ensure a disproportionate supply, most low- and middle-income countries (LMICs) will struggle to access those same life-saving vaccines.⁴ It is shameful that billions of people living in LMICs may have to wait two years or more to get vaccinated because of the high prices being charged for Covid-19 vaccines, an insufficient supply that is currently being bought up disproportionately by wealthy nations, and intellectual property controls that slow production unnecessarily.⁵ No one should die for drug company profits, especially during this global pandemic.

³ World Trade Organization, Council for Trade-Related Aspects of Intellectual Property Rights, Oct 2, 2020, <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True>

⁴ Lancet Commission on COVID-19 Vaccines and Therapeutics Task Force Members "Urgent needs of low-income and middle-income countries for COVID-19 vaccines and therapeutics," (Jan 28, 2021), [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)00242-7/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)00242-7/fulltext) (Accessed 2-26-21)

⁵ Bassi, Luca Li, MD, DPH, "Allocating COVID-19 Vaccines Globally: An Urgent Need," JAMA Health Forum, Feb 8, 2021, <https://jamanetwork.com/channels/health-forum/fullarticle/2776409>

The undersigned nurses' unions urge the TRIPS Council to move quickly and decisively to support the proposal from India and South Africa to temporarily waive the certain TRIPS provisions. Further, we urge every member nation of the WTO to agree to grant this waiver as quickly as possible. By granting this waiver, the WTO will save countless lives throughout the world.

Countries that can manufacture Covid-19 vaccines and treatments should be given the opportunity to do so as quickly as possible to bolster global supplies and ensure equitable distribution. By making it possible for larger scale production of vaccines around the world, global supply of vaccines will increase, and vaccine equity will be achievable. This will allow us to move more swiftly towards ending this pandemic. This deadly disease has demonstrated once again that no nation truly stands alone, and each nation can only truly be safe from Covid-19 when we end this crisis by standing together.

We applaud WTO's binding declaration to balance TRIPS intellectual property protections with public health needs, and fully believe that a temporary emergency Covid-19 waiver is in concert with the WTO members' agreement that intellectual property rules must not create barriers to health treatments that unnecessarily cost human lives and undermine the global economy. While we believe that strong participation in programs like COVAX is important, unless production is quickly ramped up around the world by waiving IP rules, there simply will not be enough supply for everyone. Ending the COVID-19 pandemic as quickly as possible around the world will also help reinvigorate the global economy.

The Covid-19 pandemic is still taking a devastating toll on communities across the world, and only by acting in the best interests of global public health can we stem the tide of death and destruction and end this pandemic. It is critical that the Council act quickly to make efficacious vaccines available to all people by supporting the proposal to waive TRIPS provisions to prevent the unnecessary infections and deaths that we have witnessed during the pandemic.

We would be grateful if, as Chairwoman, you would please forward this letter to the member governments in the Council for TRIPS. If you have questions regarding this letter or would like to arrange a meeting, please contact Kenneth Zinn, coordinator of Global Nurses United, at +1-202-297-4976 or at kzinn@nationalnursesunited.org. We look forward to your prompt response on this urgent matter.

Sincerely,

Annie Butler, Federal Secretary
Australian Nursing & Midwifery Federation
Australia

Shirley Morales, Presidenta
Federação Nacional dos Enfermeiros
Brazil

Linda Silas, President
Canadian Federation of Nurses Unions
Canada

Nancy Bédard, Présidente
Fédération Interprofessionnelle de la santé du Québec
Canada

Rodrigo Ml. López García, Secretario General
Asociación Nacional de Profesionales en Enfermería
Costa Rica

Johnsel Diaoen, President
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Curaçaoose Bond Van Werknemers in Verplegende en Verzorgende Instellingen
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Julio Cesar García Cruceta, Secretario General
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George Tsolas, President
Thomai Aslanoglou, General Secretary
Pan-Hellenic Federation of Nursing Staff (PASONOP)
Greece

Luis Antulio Alpirez Guzman, Secretario General
Sindicato Nacional de los Trabadores de Salud de Guatemala
Guatemala

Josué Jeremías Orellana Muñoz, Presidente
Asociación Nacional de Enfermeras/os Auxiliares de Honduras
Honduras

Rince Joseph, National Working President
United Nurses Association
India

Karen McGowan, President
Irish Nurses and Midwives Organisation
Ireland

Ilana Cohen, President
Israeli Nurses Union
Israel

Andrea Bottega, Segretario Nazionale
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Seth Panyako, General Secretary
Kenyan National Union of Nurses
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National Organisation of Nurses and Midwives of Malawi
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Kerri Nuku, Kaiwhakahaere
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New Zealand

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Korean Health and Medical Workers Union
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Manuel Cascos Fernández, Presidente
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Spain

Saman Rathnapriya, President
Government Nursing Officers' Association
Sri Lanka

Lo Yun Sheng, President
Chang Tzu Heng, Director
Taiwan Nurses Union
Taiwan

Justus Cherop Kiplangat, President
Uganda Nurses and Midwives Union
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Bonnie Castillo, RN, Executive Director
Deborah Burger, RN, President
Zenei Cortez, RN, President
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Valeria Quintero, Presidenta
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