**Formal Meeting of Council for TRIPS (10 December 2020)**

Proposal for awaiver from certain provisions of the TRIPS agreement for the prevention, containment and treatment of COVID-19

**Statement by Pakistan**

Thank you Chair. Pakistan would like to thank you for convening this meeting and the opportunity to once again address this issue. At the outset Chair, we would like to confirm that we agree with your proposed approach to report the status of our discussions to the General Council in its next meeting. We are also satisfied with the content of the report. We must emphasise Chair, that while we are happy to debate and discuss the issue at length, this proposal is not one which can be discussed endlessly. When human lives are at stake, we must find definitive conclusions to our discussions as soon as possible. We would therefore, like to see a logical conclusion of the discussion with hopefully, some positive outcomes.

Chair, we have been discussing this proposal in great detail over the past weeks, and we are thankful to all the members who have engaged positively on this burning issue. Along with other cosponsors, we have tried to address each and every concern, question or clarification brought by the members submitted in oral statements or in formal, written communications. In fact, we aim to submit a written document containing answers to all the questions that we have addressed in preceding meetings and those that we will address today. Meanwhile, we would like to request Chair, that our statements and detailed responses presented during the informal sessions of the Council may please be made part of the formal record of the TRIPS Council’s meetings. We would be happy to share our previous statements with the Secretariat along with this one.

While on the matter of responses, Chair, we would like to take this opportunity to address some of the points raised by a delegation in the last meeting. A few aspects have already been addressed by cosponsoring colleagues who have spoken before. It was mentioned during informal consultations and today that advance purchase agreements contributed to expanding production calling on companies to use licensing mechanisms to maximise production. Reference was made to Astra Zeneca’s license with Serum Institute.

Chair, in our view, the race to secure vaccine supplies through advance purchase agreements is in fact, reinforcing inequitable access to vaccines. Even if production is being expanded, it seems to be for the benefit of a few wealthy nations. As reported openly, all of Moderna’s vaccine and 96 percent of Pfizer/BioNTech’s has been acquired by rich countries. It has also been reported that wealthy nations representing just 14 per cent of the world’s population have bought up fifty-three (53 per cent) of all the most promising vaccines so far. According to several reports, some countries have already made arrangements to acquire up to 9 doses per person, while among 70 developing or poor countries, only one out of every 10 people will be vaccinated by the end of 2021 given the limitations of the Covax facility. It is also estimated that many lower income countries could have to wait until 2023 or 2024 for vaccination.

This situation reveals a lack of global cooperation and solidarity to ensure equitable access and allocation. More specifically, IP monopolies are limiting vaccine production and equitable access. Regarding Astra Zeneca’s license, it must be emphasised that the license is limited, and insufficient to meet global need. Their pledge to provide doses to developing nations, can only reach 18 per cent of the world’s population next year at most. Besides, Astra Zeneca’s CEO has reportedly opposed any public sharing of technology and IP.

Chair, while we appreciate the idea of asking companies to voluntarily license and maximise production, the strategy does not deliver access. A recent study on the lessons learned from voluntary licensing also demonstrates that IP-holding corporations tend to apply restrictive licensing terms such as limited geographic coverage of supply and other conditions that limit the benefits of competition and global supply. We have already seen this happening during the pandemic. The global pharma industry has also objected to participation in WHO’s Covid Technology Access Pool.

In this situation, perhaps a question needs to be raised: how would countries that argue for such licensing arrangements, address companies’ conduct and ensure the availability of non-exclusive, global, open licenses on reasonable terms and conditions, where all manufacturers globally may be engaged and all countries may benefit from supply without any restrictions. Also, what steps are those countries taking to ensure full transparency and accountability in the cost of R&D and in licensing agreements.

Chair, the waiver proposal is seeking a limited-time, and limited-scope waiver from certain obligations under the TRIPS agreement only to deal with the global pandemic. The waiver not only promises to help large populations in developing countries, but would also allow export of medicines and medical equipment back to developed countries where poorer segments of their populations could also benefit. The present, business as usual approach, on the other hand, could perpetuate existing global inequalities even in this unprecedented time.

In recent weeks, we have noted that not only has the engagement on the issue gained momentum, the proposal has also been continually gaining wide appeal outside our organisation. Global leaders, influential lawmakers, public health experts, leading civil society members, and well-reputed media houses, particularly from developed countries have all come out in support of this proposal. Members of the academia, international, governmental and non-governmental organisations, and many social and religious groups have all highlighted the pressing importance and merits of the proposal. We are happy to note that even the WTO has covered it briefly this morning in its news. We hope the Secretariat will continue to provide due coverage to this most important matter. The extensive international coverage, across developed and developing countries alike, is testimony to the importance and validity of the proposed waiver.

In conclusion, Chair, we would like to thank you and the Secretariat and all members for their engagement and attention to this pressing matter. We look forward to continuing our discussions in the coming days. Thank you!