

Statement by India - Delivered by Ambassador & PR to the WTO

Agenda Item 4: TRIPS COUNCIL MATTERS A. STATUS REPORT ON THE CONSIDERATIONS BY THE TRIPS COUNCIL ON THE "PROPOSAL FOR A WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19" (IP/C/W/669) – STATEMENT BY THE CHAIR OF THE COUNCIL FOR TRIPS

India would like to thank TRIPS Council Chair for trying to produce a 'Neutral' report. Chair, while we continue our protracted deliberations on this **proposal on Waiver from certain provisions of TRIPS agreement** for the past ten months more than 4 million people have succumbed to this virus, these lives could have been saved had we agreed to the proposal and given it a chance.

2. With less than one percent of vaccines administered in low-income nations, increasingly we see that a two-track pandemic is developing, with countries having deep pockets having access to vaccines while poorer nations are being left behind. Each nations' interests are entwined with that of the other, while developed countries have outpaced developing and LDCs in vaccinations and have also secured supplies for future doses, such a lopsided approach will only prolong the pandemic and exacerbate its after effects.

3. Chair, Members have argued that the Waiver is not a response to enhancing supplies because the constraints are varied. They have repeatedly claimed that voluntary approaches will deliver. But the current situation clearly reveals that waiting for pharmaceutical companies to voluntarily license their knowhow to manufacturers world over to supply developing countries, including LDCs has not delivered equitable access at affordable prices. There is, thus, an urgent need for the WTO members to take action, to use existing tools for improving access. Limitations and shortcomings of voluntary approaches has already cost us many a lives and livelihood and impacted economies, especially in the developing world.

4. In the 21st July event, three areas were identified by DG, World Health Organization in order to increase manufacturing, and these were technology transfer, supply chain resilience and IP waiver. These are not areas that are mutually exclusive, because each area responds to a particular aspect of the crisis and therefore must be looked at independently and comprehensively. Even if we were to assume that as per some recent estimates that we could manufacture 11 billion doses by the year end, significant issues surrounding equitable access and affordability of these vaccines would continue to persists and would need to be addressed.

5. Chair, the strength of economic recovery across countries is being driven by three key factors, namely, the extent of public health interventions including

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the vaccination programme, domestic policy and government stimulus and the reliance of the economy on high contact sectors like tourism. Trade plays a key role in this recovery, and while the global trade volumes saw a resurgence by April 2021 such recovery has been skewed with trade in goods leading the resurgence and services lagging behind. In the recent WTO report, it has been highlighted that the global services trade, that marked a decline of 21% last year, remained sluggish in the first quarter of 2021, falling 9% year-on-year owing to continued weakness in resumption of travel services among others. The continued uncertainty due to new variants and subsequent waves hitting various parts of the world, restrictions on movement of people, lack of retail spending, less consumer spending on services than goods , will continue to slow down the recovery and should be of concern to us all. This will continue to have devastating effect on small and vulnerable economies that are heavily reliant on services.

6. Chair, all members reiterate their commitment to a shared objective of saving lives, and the need to ramp up global manufacturing, and with that goal and understanding Chair, the cosponsors engaged during the text based negotiations process. However, to our dismay few members refuse to engage in the text based negotiation. These few Members ensured that we are unable to meet the deadline set by the TRIPS Council Chair for reaching the necessary landing zone by end-July. While these members emphasise the need for comprehensive solution, it appears that the understanding of the term comprehensive is to be aligned with the priorities of these few members. Chair, we continue to hear importance of rules-based organisation, what we are witnessing though is that the **rules and procedures** are conveniently and selectively interpreted. It would be worthwhile for members to ponder over the kind of precedence these selective interpretations of rules are creating.

7. The proposed waiver will enable the temporary suspension of the relevant TRIPS rules, providing the manufacturers around the World the freedom to operate and scale up production of vaccines. It is, thus, a necessary ingredient of a multi-pronged approach to combat the pandemic. The writing on the wall is clear Chair, though we may choose to turn a blind eye. A differential approach to combat the pandemic will not only fail but also be counterproductive to the recovery. We must as an organisation rise to the occasion and deliver, and save the people we are here to serve. Therefore, it is high time this organization prioritizes saving human lives and livelihoods over all other priorities. Needless to say that a decision on this critical proposal is absolutely crucial to relevance of this organization in these trying times.
