



Statement by H.E. Archbishop Ivan Jurkovič, Permanent Observer of the Holy See
to the United Nations and Other International Organizations in Geneva
at the World Trade Organization (WTO)
Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council
Geneva, 11 March 2021

Madam President,

Since it is the first time that my Delegation takes the floor, let me start by thanking you for your tireless efforts in chairing this Council on a formal and informal level during the last months.

The Least Developed Countries (LDCs) represent the poorest and weakest segment of the international community, characterized by constraints and many difficulties in reaching their development goals. This group of countries, which represents 13% of the world's population, is combating poverty daily by striving for greater economic growth, achieving structural transformation and building productive capacity. As is well known, the COVID-19 pandemic has further exacerbated the challenges that the LDCs continue to face and this could lead to a very bleak outlook for the economic growth of countries across the globe, and in particular for the LDCs.

In this scenario, it seems foreseeable that many of the Sustainable Development Goals might not be reached, notably Goal 1, as well as those Goals related to health and education. In fact, many populations are adopting coping strategies that place these Goals at further risk, such as reducing their intake of healthy and nutritious food or taking children out of school. The lockdown and slump in global demand has particularly impacted LDCs that are dependent on exports of finished products.

It is evident that the COVID-19 pandemic will have far-reaching implications for the global economy and especially for LDCs including those on the path to graduation from this category.

Even before 2020, LDCs continued to be characterized by multiple structural constraints that include low per capita income, low levels of human development and extreme vulnerabilities to external shocks. As underlined in the Istanbul Program of Action, LDCs are among the most “off-track” in the achievement of the internationally agreed development goals. Their productive capacity is limited, and they have severe infrastructure deficits.¹

The flexibility ensured by TRIPS Article 66.1 was accepted in recognition of the economic, financial and administrative constraints that are preventing LDCs from immediate observance of all the obligations set out in the TRIPS Agreement. This was an acknowledgement that LDCs have special needs and requirements, including the need for flexibility to create a viable technological base.

The extension of the transition period under Article 66.1 to July 1, 2033, is in line with the overarching goal of the Istanbul Programme of Action (IPoA). The latter plans “to overcome the structural challenges faced by least developed countries in order to eradicate poverty, achieve

¹ Istanbul Plan of Action (par.4) doc. A/CONF.219/3. <http://ldc4istanbul.org/uploads/IPoA.pdf>

internationally agreed development goals and *enable graduation from the least developed country category*”². This goal is expected to be achieved through national policy actions and international support. Graduation from the category of least developed countries has always been among the ultimate objectives of the previous four decennial Programmes of Action for LDCs. However, the IPoA was the first to include a clearly articulated, time-bound and concrete objective of enabling LDCs to meet the criteria for graduation.³

Madam President,

The gravity of the present situation, made all the more evident by the COVID pandemic, demands that a responsible stand be taken by the whole international community. We simply cannot remain silent in the face of so much suffering and adversity. Today, more than ever, the international community must join forces to seek a future that is sustainable, inclusive and just for all. We are called through our decisions to implement our common commitment to the good of the human family. We are called to think and act in solidarity, which “also means combatting the structural causes of poverty [and] inequality”.⁴ This is what we are called to do, and it is within our reach: to help the poorest and most vulnerable people of our world, by agreeing that “ [a] least developed country Member shall not be required to apply the provisions of the [TRIPs] Agreement, (...) as long as the Member remains in the category of least developed country and for a period of twelve years from the date of entry into force of a decision by the UN General Assembly to exclude the Member from the least developed country category”.⁵

Thank you, Madam President.

² Istanbul Plan of Action (par.27) doc. A/CONF.219/3. <http://ldc4istanbul.org/uploads/IPoA.pdf>

³ Graduation from the list of LDCs is based on a systematic review and assessment of the socioeconomic progress of least developed countries based on three criteria: per capita income and two composite indices (Human Asset Index and Economic Vulnerability Index).

⁴ Pope Francis, Encyclical Letter *Fratelli Tutti*, p.116

⁵*Cfr. Document IP/C/W/668, p.5*